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TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[E. E. P. Q. No. 564]

PART 301—DOMESTIC QUARANTINE NOTICES RESTRICTIONS OF JAPANESE BEETLE QUARANTINE ON CUT FLOWERS, FRUITS AND VEGETABLES DISCONTINUED FOR SEASON

Introductory note. On the respective dates specified below, these administrative instructions lift for the remainder of 1947 the seasonal restrictions on the movement of fruits, vegetables and cut flowers from the area heavily infested with Japanese beetles.

§ 301.48-4b *Administrative instructions relative to the Japanese beetle quarantine.* Pursuant to authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine, in paragraph (b) of § 301.48-4 (Notice of Quarantine No. 48 on account of the Japanese beetle, 12 F. R. 3211), the dates have been determined beyond which shipping restrictions imposed by Administrative Instruction E. E. P. Q. 562, June 9, 1947 (12 F. R. 3909) are no longer necessary for this year and they are hereby revoked as follows:

(a) For fruits and vegetables, except green ear corn; at the close of August 29, 1947.

(b) For green ear corn; at the close of September 12, 1947.

(c) For cut flowers; at the close of September 30, 1947.

Under the provisions of the Japanese Beetle Quarantine and supplemental regulations (12 F. R. 3211), the interstate movement of fruits, vegetables, and cut flowers from the infested areas is restricted. It is essential to relieve these restrictions at the earliest moment consistent with safety, in order to permit movement of these articles without certification or treatment. Safety requires that this relief shall be applied progressively, dependent upon the time of cessation of heavy flight of the beetles and upon the susceptibility of the commodity involved to continued infestation. Such factors are unpredictable within narrow time limits. However, heavy flight of the beetles is now rapidly diminishing and its cessation is imminent. Experience demonstrates that the restrictions of the quarantine and supplemental regulations

with respect to fruits, vegetables, and cut flowers may safely be withdrawn on the dates indicated above. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238) that notice and public procedure on this order are unnecessary, impracticable, and contrary to the public interest, and good cause is found for issuing the order effective less than thirty days after publication. (Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161, 7 CFR 301.48-4, 12 F. R. 3211)

Done at Washington, D. C., this 25th day of August 1947.

Effective: August 25, 1947.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-8145; Filed, Sept. 2, 1947; 8:47 a. m.]

TITLE 10—ARMY WAR DEPARTMENT

Subtitle A—Organization, Functions, and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

SECRETARY OF WAR'S BOARD ON CORRECTION OF MILITARY RECORDS

Rescind paragraph (a) of § 2.25 (12 F. R. 2799) relating to scope of inquiry and substitute the following therefor:

§ 2.25 *Scope of inquiry.* (a) Unless directed by the Secretary of War, the Board shall not review any case involving the sentence of a general court-martial or any case wherein final action has been taken by the President of the United States, the Secretary, the Under Secretary, or the Assistant Secretary of War. No application will be considered until the applicant has exhausted all remedies afforded him by existing law or regulations. [WD Memo 400-20-2, 17 Apr 1947 as amended by C1, 13 Aug 1947] (Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 238, Pub. Law 601, 79th Cong., 60 Stat. 837)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-8135; Filed, Sept. 2, 1947; 8:52 a. m.]

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1946 SUPPLEMENT

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TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 206—TRUST POWERS OF NATIONAL BANKS

OPERATION AS INVESTMENT TRUST

The following interpretation under this part was issued by the Board of Governors of the Federal Reserve System on August 6, 1947:

§ 206.102 *Operation as investment trust.* The Board has received a request for a ruling with respect to whether a national bank may invest certain funds in participations in a common trust fund operated by the bank.

The facts as set forth in the bank's letter are as follows:

We have been approached by a local corporation which wishes to place \$8000 in our common trust fund. They assure me that this money is not needed in their business at the present time and probably will not be needed until the next serious depression such as 1932. They insist that any trust fund which they set up is a bona fide one to permit them to have this small sum of money invested properly from the diversification point of view.

It is true however that the settler company reserves the right to revoke the agreement at any time or to withdraw part of

the money placed in this trust fund. The trust fund was established with the idea of having it placed in the common trust fund. * * * We have been approached indirectly by other small corporations along the same lines and they all want to protect their reserve position as much as possible. They have indicated to me that the savings banks will not take their money and they apparently are not satisfied to obtain the small income return available on the short term government bonds that we first recommend to such people for investment purposes.

Section 206.17 (a) provides in part as follows: "The purpose of this section is to permit the use of Common Trust Funds, as defined in section 169 of the Internal Revenue Code, for the investment of funds held for true fiduciary purposes; and the operation of such Common Trust Funds as investment trusts for other than strictly fiduciary purposes is hereby prohibited. * * * The trust investment committee of a bank operating a Common Trust Fund shall not permit any funds of any trust to be invested in a Common Trust Fund if it has reason to believe that such trust was not created or is not being used for bona fide fiduciary purposes."

Under the facts presented, it appears that there is no reason for the creation of the trust other than the desire of the corporation to invest its funds in participations in the common trust fund. The trust merely is a mechanism designed to enable the corporation to acquire such participations in lieu of other investments. The analogy with the purchase of investment trust certificates is apparent; and the use of a common trust fund for this purpose amounts in substance to the operation of the fund as an ordinary investment trust. In the circumstances, the Board is of the opinion that the proposed investment in participations in common trust fund is clearly contrary to the above-quoted provisions of Part 206.

(Secs. 2, 3, 24 Stat. 18, sec. 11 (l) 38 Stat. 262, sec. 2, 40 Stat. 968, sec. 1, 40 Stat. 1043, 44 Stat. 1224, 46 Stat. 814, sec. 24, 48 Stat. 190, sec. 342, 49 Stat. 722, secs. 330, 331, 49 Stat. 718, 719, sec. 169, 49 Stat. 1708; 12 U. S. C. and Sup., 30, 31, 248 (l) 248 (k) 33, 34a, 26 U. S. C., Sup., 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 47-8117; Filed, Sept. 2, 1947;
8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-9]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OP- ERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

TAKE-OFF LIMITATIONS APPLYING TO AIR- PLANES CERTIFICATED UNDER THE TRANS- PORT CATEGORY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of August 1947.

The purpose of this amendment is to require that any gradient of the take-off surface, regardless of how small, be taken into account when computing the take-off limitations for airplanes certificated under the transport category.

Section 41.271 (c) of the Civil Air Regulations now requires that in applying take-off requirements to these aircraft a correction shall be made for any appreciable gradient of the take-off surface. Since the word "appreciable" has no defined limits, this may under certain conditions constitute a hazard to safety in that the gradient may not always be taken into consideration when establishing take-off limitations.

The provisions of paragraphs (a) and (b) of section 4 of the Administrative Procedure Act have been complied with.

Effective September 26, 1947, § 41.271 (c) of the Civil Air Regulations is amended by striking the word "appreciable" from the first sentence thereof.

(52 Stat. 984, 1007, 1010; 49 U. S. C. 425, 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8131; Filed, Sept. 2, 1947;
8:52 a. m.]

[Civil Air Regs., Amdt. 61-8]

PART 61—SCHEDULED AIR CARRIER RULES

TAKE-OFF LIMITATIONS APPLYING TO AIR- PLANES CERTIFICATED UNDER THE TRANS- PORT CATEGORY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of August 1947.

The purpose of this amendment is to require that any gradient of the take-off surface, regardless of how small, be taken into account when computing the take-off limitations for airplanes certificated under the transport category.

Section 61.7122 (c) of the Civil Air Regulations now requires that in applying take-off requirements to these aircraft a correction shall be made for any appreciable gradient of the take-off surface. Since the word "appreciable" has no defined limits, this may under certain conditions constitute a hazard to safety in that the gradient may not always be taken into consideration when establishing take-off limitations.

The provisions of paragraphs (a) and (b) of section 4 of the Administrative Procedure Act have been complied with.

Effective September 26, 1947, § 61.7122 (c) of the Civil Air Regulations is amended by striking the word "appreciable" from the first sentence thereof.

(52 Stat. 984, 1007, 1010; 49 U. S. C. 425, 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8132; Filed, Sept. 2, 1947;
8:52 a. m.]

TITLE 15—COMMERCE

Chapter II—National Bureau of Standards, Department of Commerce

PART 252—ORGANIZATION OF THE NATIONAL BUREAU OF STANDARDS

PART 253—MAJOR ORGANIZATION UNITS

MISCELLANEOUS AMENDMENTS

1. Section 252.1 *Organization* (11 F. R. 177A-327) is amended to read as follows:

§ 252.1 *Organization*. The organization of the National Bureau of Standards consists of the Office of the Director and 14 scientific and technical divisions which are further subdivided into more than 100 sections.

The following tabulation lists the major organizational subdivisions within the Bureau, all of which are located in Washington, D. C.

Office of the Director

Division 1—Electricity and Optics.
Division 2—Metrology.
Division 3—Heat and Power.
Division 4—Atomic Physics.
Division 5—Mechanics.
Division 6—Chemistry.
Division 7—Organic and Fibrous Materials.
Division 8—Metallurgy.
Division 9—Mineral Products.
Division 10—Building Technology.
Division 11—Applied Mathematics.
Division 12—Commodity Standards.
Division 13—Ordnance Development.
Division 14—Central Radio Propagation Laboratory.

Field stations and laboratories are maintained in 18 localities, as set forth in the following tabulation showing briefly the type of work being carried on at each location:

Master Railway Track Scale Depot, Clearing, Ill.
Proving Ground, Blossom Point, Md.
Warren Grove Test Field, Warren Grove, N. J.
Materials Testing Laboratory, San Francisco, Calif.
Materials Testing Laboratory, Permanente, Calif.
Materials Testing Laboratory, Riverside, Calif.
Materials Testing Laboratory, Denver, Colo.
Materials Testing Laboratory, Allentown, Pa.
Materials Testing Laboratory, Seattle, Wash.
Radio Transmitting Station, Beltsville, Md.
Radio Propagation Laboratory, Sterling, Va.
Radio Propagation Field Station, Adak, Alaska.
Radio Propagation Field Station, Hawaii.
Radio Propagation Field Station, Palmyra Island.
Radio Propagation Field Station, Trinidad.
Radio Propagation Field Station, Guam.
Radio Propagation Field Station, Manila, Philippine Islands.
Mathematical Tables Project, New York, N. Y.

2. Subparagraphs (1) through (14) of § 253.2 (a) (11 F. R. 177A-327, 328, 329) are amended to read as follows:

§ 253.2 *Scientific and technical divisions*—(a) *Purpose and functions*. * * *

(1) *Division 1, electricity and optics*. (i) Resistance, inductance, capacitance, magnetic properties, electrochemical

constants; (ii) electrical instruments, batteries, and related apparatus; and (iii) photometry, colorimetry, optical engineering, and photographic technology.

(2) *Division 2; metrology*. (i) Measurements of length, mass, time, capacity, density, thermal expansivity, angles; (ii) gas measuring instruments, scales, gages; and (iii) dental materials.

(3) *Division 3; heat and power*. (i) Temperature measurements, thermodynamics, low-temperature physics, thermal properties of materials; (ii) performance of automotive and aircraft engines, and accessories thereto; and (iii) lubricants and fuels.

(4) *Division 4, atomic physics*. (i) Spectroscopy, infra-red and ultra-violet radiation, interferometry. (ii) radioactivity, x-rays, mass spectrometry and (iii) nuclear and electronic physics.

(5) *Division 5, mechanics*. (i) Sound, aerodynamics, engineering mechanics, hydraulics; and (ii) aeronautic and engineering instruments, mechanical appliances.

(6) *Division 6, chemistry*. (i) Chemical composition, purity, and behavior of paints, lacquers and varnishes; detergents; platinum metals; analytical chemical reagents; hydrocarbons and other organic substances; uranium and related materials; gases; and (ii) analytical chemistry, chemical microscopy, spectrochemical analysis, electrodeposition, physical chemistry, thermochemistry.

(7) *Division 7 organic and fibrous materials*. (i) Rubber, textiles, paper, leather; and (ii) organic plastics.

(8) *Division 8; metallurgy*. (i) Physical properties and chemical composition of metals; (ii) effects of temperature, mechanical stresses and chemical composition upon properties of metals; (iii) corrosion of metals; and (iv) foundry methods and materials.

(9) *Division 9; mineral products*. (i) Properties and behavior of porcelain, pottery, glass, refractories, vitreous enameled articles; (ii) properties of concreting materials, lime, gypsum; and (iii) synthesis, constitution, microstructure, properties, and behavior of crystals.

(10) *Division 10; building technology*. (i) Building and safety codes; (ii) behavior of building materials in structures; and (iii) fire protection, heating, air conditioning, and building equipment and fixtures.

(11) *Division 11, applied mathematics*. (i) Application of statistical principles to scientific and technical problems and processes; (ii) development and application of high-speed digital computing machines; and (iii) computation of mathematical tables.

(12) *Division 12; commodity standards*. (i) Coordination of voluntary cooperative effort to eliminate and avoid wastes in manufactured products through simplification of sizes, types, dimensions, and varieties; (ii) coordination of voluntary cooperative effort to develop and establish commercial standards for manufactured products; and (iii) coordination of the work of the Bureau on specifications and related problems.

(13) *Division 13; ordnance development*. (i) Electronic ordnance devices;

and (ii) applications of electronics to scientific and technical problems.

(14) *Division 14, central radio propagation laboratory*. (i) Physical phenomena affecting propagation of radio waves; (ii) prediction of radio propagation conditions; (iii) radio measurement methods and standards; and (iv) frequency utilization.

(Sec. 3, 60 Stat. 238; 5 U. S. C., Sup., 1002)

The foregoing amendments are effective July 1, 1947.

E. C. CRITTENDEN,
Acting Director,
National Bureau of Standards.

[F. R. Doc. 47-8153; Filed, Sept. 2, 1947; 8:49 a. m.]

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 356—LOCATION OF FIELD OFFICES

LOCATION

Section 356.1 *Location* (11 F. R. 177A-310) is amended to read as follows:

§ 356.1 *Location*. Field Offices are located in the following cities:

Albuquerque, N. Mex.,
Hanosch Bldg.,
203 West Gold Avenue.
Atlanta 1, Ga.,
P. O. Box 1595,
418 Atlanta National Bldg.,
50 Whitehall Street, SW.
Baltimore 2, Md.,
314 United States Appraisers' Stores Bldg.,
103 South Gay Street.
Boston 9, Mass.,
1800 Customhouse,
2 India Street.
Buffalo 3, N. Y.,
242 Federal Building,
117 Ellicott Street.
Butte, Mont.,
301A O'Rourke Estate Bldg.,
14 West Granite Street.
Charleston 3, S. C.,
310 Peoples Building,
18 Broad Street.
Charleston, W. Va.,
Room 2,
Federal Courthouse Annex.
Charlotte 2, N. C.,
112½ East Fourth Street.
Cheyenne Wyo.,
304 Federal Office Building,
21st Street and Carey Avenue.
Chicago 4, Ill.,
501 McCormick Building,
332 South Michigan Avenue.
Cincinnati 2, Ohio,
1204 Chamber of Commerce Building,
Fourth and Race Streets.
Cleveland 14, Ohio,
215 Union Commerce Building,
Euclid Avenue at East Ninth Street.
Dallas 2, Tex.,
602 Santa Fe Building,
1114 Commerce Street.
Denver 2, Colo.,
210 Boston Building,
828 Seventeenth Street.
Detroit 26, Mich.,
1038 New Federal Building,
230 West Fort Street.
El Paso 7, Tex.,
12 Chamber of Commerce Building.
Fargo, N. Dak.,
212 Walker Building,
621 First Avenue, North.

Hartford 1, Conn.,
224 Post Office Building,
135 High Street.
Houston 14, Tex.,
602 Federal Office Building,
Fannin at Franklin Street.
Jacksonville 1, Fla.,
425 Federal Building,
311 West Monroe Street.
Juneau, Alaska,
P. O. Box 2628,
300 Federal and Territorial Building,
Fourth and Seward Streets.
Kansas City 6, Mo.,
2611 Fidelity Building,
911 Walnut Street.
Los Angeles 12, Calif.,
1540 United States Post Office and Court-
house,
312 North Spring Street.
Louisville 1, Ky.,
631 Federal Building,
Sixth and Broadway.
Memphis 3, Tenn.,
229 Federal Building,
Madison at Front Street.
Miami 32, Fla.,
947 Seybold Building,
36 Northeast First Street.
Milwaukee 1, Wis.,
700 Federal Building,
517 East Wisconsin Avenue.
Minneapolis 1, Minn.,
1234 Metropolitan Life Building,
Second Avenue South and Third Street.
Mobile, Ala.,
308 Federal Building.
New Orleans 12, La.,
1508 Masonic Temple Building,
333 St. Charles Avenue.
New York 1, N. Y.,
60th Floor, Empire State Building,
350 Fifth Avenue.
Oklahoma City 2, Okla.,
901-905 Petroleum Building.
Omaha 2, Nebr.,
918 City National Bank Building,
405 South Sixteenth Street.
Philadelphia 2, Pa.,
719 Pennsylvania Building,
42 South Fifteenth Street.
Phoenix 8, Ariz.,
417 Security Building,
234 North Central Avenue.
Pittsburgh 19, Pa.,
1013 New Federal Building,
Seventh Avenue and Grant Street.
Portland 4, Oreg.,
217 Old United States Courthouse,
520 Southwest Morrison Street.
Providence 3, R. I.,
206 Customhouse,
24 Weybossett Street.
Reno, Nev.,
Elks Club Building,
50 Sierra Street.
Richmond 19, Va.,
Room 2, Mezzanine,
801 East Broad Street.
St. Louis 1, Mo.,
107 New Federal Building,
1114 Market Street.
Salt Lake City 1, Utah,
508 Post Office Building.
San Francisco 11, Calif.,
307 Customhouse,
Washington and Battery Streets.
Savannah, Ga.,
218 United States Courthouse and Post
Office Building.
Seattle 4, Wash.,
809 Federal Office Building,
First and Marion Streets.
(Sec. 3, 60 Stat. 238; 5 U. S. C., Sup.
1002)

CARLTON HAYWARD,
Director of the Field Service.

[F. R. Doc. 47-8152; Filed, Sept. 2, 1947;
8:49 a. m.]

Chapter V—Weather Bureau, De- partment of Commerce

PART 502—ORGANIZATION

MISCELLANEOUS AMENDMENTS

Part 502, *Organization* (11 F. R. 177A-335) is hereby amended in the following respects:

1. A new § 502.9 is added which reads as follows:

§ 502.9 *Budget Office.* Budget Office which provides a budgetary and financial program for the Bureau; assists in the coordination of work plans and financial requirements; prepares budget estimates and justifications; maintains allotment control and keeps current analyses of the state of the Bureau's budget; and assists in measuring, evaluating and reporting upon the effectiveness of the program of work in the light of past, current, and proposed expenditures.

2. Present §§ 502.9 through 502.14 are redesignated as follows: § 502.9 to § 502.10 *Division of Personnel Management*, § 502.10 to § 502.11 *Division of Station Operations*, § 502.11 to § 502.12 *Division of Synoptic Reports and Forecasts*, § 502.12 to § 502.13 *Instrument Division*, § 502.13 to § 502.14 *Division of Climatological and Hydrologic Services*, § 502.14 to § 502.15 *Division of Special Scientific Services*.

3. A new § 502.16 is inserted as follows:

§ 502.16 *Division of Physical Research.* Division of Physical Research which organizes and directs research in physical science that is collateral and essential to basic research in meteorology; investigates and evaluates various instruments utilizing the principles of electronics, mechanics, and optics, as used by the Weather Bureau and other meteorological services; improves laboratory facilities for the production of special scientific instruments; and investigates the theoretical possibilities and engineering practicability of obtaining instrumental measurements of phenomena that presently can be measured only by estimation, such as visibility.

4. Present §§ 502.15 through 502.17 are redesignated as follows: § 502.15 to § 502.17 *Weather Bureau Station at Washington National Airport*, § 502.16 to § 502.18 *Regional offices*, § 502.17 to § 502.19 *Field stations*.

5. Section 502.19, *Field stations*, is amended as indicated below:

Region 1. Add "Richmond, Va., Airport"; delete "Erie, Pa., Airport"; "Gordonville, Va."; "Martinsburg, W. Va."; "Westfield, Mass."; "Wilkes-Barre, Pa."

Region 2: Add Anniston, Ala.; delete "Augusta, Ga., Airport"; "Jacks Creek, Tenn."

Region 3: Delete "Lafayette, Ind."

Region 4: Add "Childress, Tex."; delete "Corpus Christi, Tex."

Region 5: Delete "Garden City, Kans."; "Vichy, Mo."

Region 6: Add "Bishop, Calif."; "Milford, Utah"; delete "King City, Calif."; "Newhall, Calif."; "Paso Robles, Calif."

Region 7 Delete "Baker, Oreg., Airport"; Coeur d'Alene, Idaho"

6. The following is a list of stations recently established in foreign countries, in the Arctic or on ocean islands, under authority for extension of meteorological service for the safe and efficient operation of United States civil aircraft flying over international routes:

EUROPEAN-NORTH AFRICAN AREA

Project Supervisor, Meteorological Attaché.

Headquarters, U. S. Embassy, London, England.

Templehof Aerodrome, Berlin, Germany; Airport, Bremen, Germany; Airport, Bucharest, Rumania; Airport, Budapest, Hungary; Farouk Field, Cairo, Egypt; Airport, Dakar, French West Africa; Airport, Dhahran, Saudi Arabia; Rhein Main Aerodrome, Frankfurt, Germany; Airport, Logans, Azores; Airport, Munich, Germany; Orley Field, Paris, France; Airport, Rome, Italy; Airport, Tripoli, Tripolitania; Airport, Vienna, Austria; Airport, Weisbaden, Germany.

CARIBBEAN-WEST INDIAN AREA

Project Headquarters, Weather Bureau Office.

San Juan, Puerto Rico.

Albrook Field, Balboa, C. Z.; Atkinson Field, Georgetown, British Guiana; Beane Field, St. Lucia, British West Indies; Coolidge Field, Antigua, British West Indies; Vernam Field, Kingston, Jamaica, British West Indies; Waller Field, Port of Spain, Trinidad.

NORTH ATLANTIC SUPERVISORY OFFICE

Project Headquarters, Washington, D. C. Airport, Hamilton, Bermuda; Airport, Keflavik, Iceland;

Airport, Narsarsuaq, Greenland; Airport, Sandrestromfjord, Greenland; Airport, Stephenville, Newfoundland.

SOUTHERN AND WESTERN PACIFIC AREA

Project Headquarters, Federal Building, Honolulu, T. H.

Airport, Canton Island, Phoenix Group; Airport, Fukuoka, Japan; Airport, Guam; Hickam Field, Honolulu, T. H.; Airport, Iwo Jima; Airport, Johnston Island; Airport, Kwajalein, Marshall Group; Airport, Midway Island; Airport, Okinawa, Ryukyu Islands; Airport, Osaka, Japan; Airport, Shanghai, China; Airport, Tokyo, Japan; Airport, Sapporo, Japan; Airport, Seoul, Korea; Clark Field, Manila, P. I.; Airport, Wake Island.

PHILIPPINE REHABILITATION PROJECT

Headquarters, U. S. Embassy, Manila, P. I.

ARCTIC OPERATIONS PROJECT

Project Headquarters, Washington, D. C. Eureka Sound, Franklin District, Northwest Territories, Canada; Thule, Greenland.

(Sec. 3, 26 Stat. 653, sec. 803, 52 Stat. 1014, secs. 7, 8, 54 Stat. 1235, 1236, 60 Stat. 4, 128, 238, 944; 15 U. S. C. 311-313, 49 U. S. C. 603; secs. 7, 8, Reorg. Plan IV, 5 F. R. 2421; E. O. 9709, March 29, 1946, 11 F. R. 3389, E. O. 9797, Nov. 6, 1946, 11 F. R. 13295)

F. W. REICHELDERFER,
Chief of Bureau.

[F. R. Doc. 47-8150; Filed, Sept. 2, 1947;
8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

EXEMPTION OF CERTAIN PUBLIC-UTILITY COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 3 (a) 3 (d) and 20 (a) thereof, and deeming it appropriate in the public interest and for the protection of investors and consumers, hereby adopts § 250.12 (Rule U-12) of the general rules and regulations under the Public Utility Holding Company Act of 1935.

Appropriate notice and opportunity for public participation in rule-making procedure in conformity with the requirements of the Administrative Procedure Act (P. L. 404, 79th Cong. 2d sess.) and of Rule XIX of the Commission's rules of practice were given.

The Commission deems it not generally necessary or appropriate in the public interest or for the protection of investors or consumers that trustees and their public-utility subsidiary companies be subject to the obligations, duties, or liabilities imposed upon holding companies and their subsidiary companies under the act when (a) the trustees are trustees of an inter-vivos or testamentary trust created by an instrument executed prior to January 1, 1935, (b) the purposes of such trust are charitable, religious, educational, or for the benefit of individuals, (c) the beneficial interests in such trusts are not represented by transferable certificates, and (d) the securities held by such trustees are those of a public-utility company which is not itself a holding company.

The text of the section is as follows:

§ 250.12 *Exemption of certain public utility companies from the definition of subsidiary companies of holding companies—(a) Exemption.* If voting securities of a public-utility company are owned, controlled or held with power to vote by the trustee or trustees of an inter-vivos or testamentary trust created by an instrument executed prior to January 1, 1935, and if such trust was established for charitable, religious, educational or other non-business purposes, or for the benefit of an individual or individuals, or for more than one of such purposes, and if the beneficial interest or interests in such trust are not represented by transferable certificates, and if such public-utility company is not itself a holding company, then such public-utility company and any subsidiary companies thereof shall not be deemed to be subsidiary companies of such trustees or trust within the meaning of the Act or any rule or regulation thereunder, and such public-utility company and any subsidiary companies thereof and such trustees and trust shall be exempt from any provisions of the act other than section 9 (a) (2) thereof, from any rules

and regulations thereunder and from any obligations, duties and liabilities thereunder to which they might otherwise be subject by reason of the ownership, control or holding with power to vote of such securities by such trustees. (Secs. 3 (a) 3 (d) 49 Stat. 810, 20 (a) 49 Stat. 833; 15 U. S. C. 79c, 79t)

Effective August 27, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

AUGUST 26, 1947.

[F. R. Doc. 47-8124; Filed, Sept. 2, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Construction Limitation Reg., as Amended, Aug. 29, 1947]—

PART 812—CONSTRUCTION LIMITATION REGULATION UNDER HOUSING AND RENT ACT OF 1947

CONSTRUCTION FOR RECREATIONAL AND AMUSEMENT PURPOSES

PURPOSE

Par. (a) What this section provides.

PROHIBITIONS

- (b) Prohibitions on construction.
- (c) Persons to whom applicable.
- (d) Prohibition on deliveries.

CONSTRUCTION COVERED

- (e) Structures covered.
- (f) Structures not covered.
- (g) Work covered.
- (h) Work not covered.

EXEMPTIONS

- (i) Small jobs.
- (j) Disaster.
- (k) Military construction.
- (l) Veterans Administration construction.
- (m) State and county fairs and non-profit expositions.

APPLICATIONS FOR CONSTRUCTION PERMITS

- (n) Filing of applications.
- (o) Calculating cost for purpose of application.
- (p) Responsibility for statements in application.

STANDARDS FOR APPROVAL

- (q) Essentiality.
- (r) Hardship.
- (s) Impact on housing and other construction.

RESTRICTIONS ON AUTHORIZED CONSTRUCTION

- (t) Restrictions imposed by CLR permit or VHP-1 authorization.
- (u) Permits and authorizations not transferable.

MISCELLANEOUS

- (v) Violations.
- (w) Communications and appeals.
- (x) Reports.
- (y) Geographical applicability.
- (z) Effective date.

PURPOSE

§ 812.1 *Construction for recreational and amusement purposes—(a) What this section provides.* The Housing and Rent Act of 1947 authorizes the Housing Expediter, if he determines that there is

a shortage of building materials or is likely to be such a shortage, to require a permit in order to construct buildings or facilities to be used for recreational or amusement purposes.

There is a shortage of building materials which are critically needed for the construction of housing and for other purposes. In order to conserve such materials, this section forbids the beginning or carrying on of construction work of any kind on buildings and other structures to be used for recreational or amusement purposes, unless a construction permit is obtained. (However, certain small jobs and other work are exempt from this requirement, as explained in paragraphs (i) through (m) of this section.) Paragraphs (q) through (s) of this section explain the conditions upon which applications for construction permits may be approved. The provisions of this section apply whether the materials needed for the proposed work are already on hand or not.

This section of the Code of Federal Regulations, § 812.1, is called the "Construction Limitation Regulation." It is issued pursuant to the authority of the Housing and Rent Act of 1947.

NOTE: When the term "this section" is used in this Construction Limitation Regulation, it means this entire regulation and not just a part of it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

PROHIBITIONS

(b) *Prohibitions on construction.* This section establishes the following prohibitions on construction work:

(1) *Beginning construction.* No person shall begin to construct, to repair, to make additions or alterations to, to improve, or to convert from one purpose to another, any structure, public or private, to be used for recreational or amusement purposes, unless (i) he was granted authorization for the work under Veterans' Housing Program Order 1, or (ii) he is issued a construction permit for the work under this section, or (iii) he is issued a letter of exemption for the work as provided in paragraph (e) (3) (ii) of this section. (Paragraphs (i) through (m) of this section provide certain exemptions from this requirement.)

To "begin" work on a structure means to incorporate in a structure on the site materials which are to be an integral part of the structure in question. Materials are incorporated in a structure when they are placed in the position in which they are to remain as a part of the structure. Materials are considered to be an integral part of a structure if they are physically attached to the structure and will be permanently located within the boundary lines of its walls.

(2) *Carrying on construction.* No person shall carry on any construction, repair, additions, alterations, improvement, or conversion in connection with any structure, public or private, to be used for recreational or amusement purposes, unless (i) the work was begun (as defined in subparagraph (1) of this paragraph) prior to the time this section became effective on June 30, 1947, and

was exempt from Veterans' Housing Program Order 1, or (ii) he was granted authorization for the work under Veterans' Housing Program Order 1, or (iii) he has been issued a construction permit for the work under this section, or (iv) he has been issued a letter of exemption for the work as provided in paragraph (e) (3) (ii) of this section. (See paragraphs (i) through (m) of this section for exemptions from this requirement.)

(c) *Persons to whom applicable.* The prohibitions of paragraph (b) of this section apply to a person who does his own construction work, as well as to a person who gets a contractor to do the work. The prohibitions also apply to contractors, subcontractors, architects, and engineers who are either working on a job, or getting others to work on it or supply materials for it.

(d) *Prohibition on deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this section.

This prohibition does not impose on a fabricator or supplier any duty to investigate whether a proposed construction job is exempt from this section, whether a permit has been issued for it, or whether it will be begun or carried on in violation of this section. Mere knowledge that the kind of work involved is a kind which would ordinarily require a construction permit under this section does not constitute reason to believe that the work will be begun or carried on in violation of this section, and, in the absence of some other reason to believe the contrary, the supplier may rely on the builder to get a permit if one is required. A supplier need not get from his customer a certificate to the effect that the customer is not violating and will not violate this section, or a certificate to the effect that the job for which the materials will be used is exempt under this section or is covered by a construction permit issued under this section.

CONSTRUCTION COVERED

(e) *Structures covered.* This section, the Construction Limitation Regulation, covers certain kinds of work on structures to be used for recreational or amusement purposes. The term "structure to be used for recreational or amusement purposes" includes two classes of items: buildings, and structures other than buildings. These two classes are described below.

(1) *Buildings.* The term "structure to be used for recreational or amusement purposes" includes any building or part of a building to be used, or designed to be used, for or in connection with any of the following purposes:

(Note: Items "Dude ranch used primarily for recreation or amusement" and "Seasonal camp used primarily for recreation or amusement" deleted August 29, 1947.)

Amusement arcade.

Amusement park.

*Assembly hall used primarily for recreation or amusement.

*Athletic field house.

Bar serving alcoholic beverages (including a "service bar" in a restaurant or similar establishment).

Baseball park.

Bathhouse for swimming (including private and commercially operated bathhouses, but not bathhouses operated by a governmental agency or instrumentality, an educational institution, or a church).

Billiard or pool parlor.

Boat or canoe club.

Bowling alley.

Cabana.

Canteen.

Carnival.

Cocktail lounge.

Community recreation building.

Country club.

Dance floor, and stand for dance orchestra, in restaurant or other establishment.

Dance hall.

Exposition or exhibition (unless exempt under paragraph (m) (2) of this section).

Fair (except a State or county fair).

Fraternal organization or lodge.

Gambling establishment.

Golf club or golf course.

Golf driving range.

*Gymnasium.

Night club (whether serving alcoholic beverages or not).

Race track, any kind.

Recreational club, any kind.

Riding academy.

Rodeo (unless exempt under paragraph (m) (1) of this section).

Shooting gallery.

Skating rink.

Slot machine establishment.

*Stadium, indoor.

Swimming pool, indoor (including private and commercially operated pools, but not pools operated by a governmental agency or instrumentality, an educational institution, or a church). (Outdoor swimming pools are covered by subparagraph (2) of this paragraph.)

Table tennis establishment.

Tavern serving alcoholic beverages.

*Theatre, any kind.

Any other recreational, amusement, or entertainment purpose, whether public or private.

Items marked with an asterisk () in the above list are exempt from this section if operated by an educational institution or a church.

As used in this section, the term "building" includes any roofed structure providing usable space, whether enclosed on all four sides or not.

(2) *Structures other than buildings.* The term "structure to be used for recreational or amusement purposes" also includes the following structures:

*Amphitheaters.

Amusement devices such as roller coasters or similar devices of a kind used in amusement parks.

*Arenas.

Band stands.

*Bleachers and similar seating arrangements.

Boardwalks used primarily for recreation or amusement.

*Grandstands.

Music shells.

Outdoor dance floors.

Outdoor skating rinks.

Fiers used primarily for recreation or amusement (commercially operated).

*Stadiums.

Swimming pools, outdoor (including private and commercially operated pools, but not pools operated by a governmental agency or instrumentality, an educational institution, or a church).

Walls or fences built principally of wood, used in connection with any other item in this list or any building listed in subparagraph (1) of this paragraph.

Items marked with an asterisk () in the above list are not covered by this section if operated by an educational institution or a church.

(3) *Buildings used for more than one purpose.* A building may be used partly for a recreational or amusement purpose, and partly for some other purpose which is exempt from this section. This situation may occur in two different ways, and the rules for each case are given below:

(i) *Separate business establishments.* If one part of a building contains an establishment which is operated for or in connection with a recreational or amusement purpose listed in subparagraph (1) of this paragraph, and another part of the building contains an entirely separate establishment used for a purpose not covered by this section, this section covers the first part of the building but not the second part. If a third part of the building (such as halls, stairways, toilet facilities, store front, heating and ventilating equipment, and similar facilities) is used jointly for the recreational or amusement purpose and the exempt purpose, this section covers any of the joint facilities that are used primarily in connection with the recreational or amusement purpose.

For example, if one part of a building contains a bowling alley, a second part contains a clothing store as a separate business establishment, and a third part contains facilities used jointly by the two establishments, this section covers the bowling alley and any of the joint facilities which are to be used primarily in connection with the bowling alley.

(ii) *Same business establishment.* If a building, or part of a building, is used both for a recreational or amusement purpose and for an exempt purpose, and the two activities are parts of the same business establishment, this section covers the entire building or part of the building which is occupied by such establishment. Therefore, unless the work is exempt under paragraphs (i) through (m) of this section, no person may do any construction work on that particular part of the building until he has filed an application under this section, and has received a construction permit or a letter of exemption for the work from the Housing Expediter.

A letter of exemption will be issued to the applicant if, on the basis of the facts

submitted in the application, the Housing Expediter determines that the recreational or amusement purpose is not the primary purpose of the applicant's establishment. For example, the same business establishment may have facilities for serving food and also a bar for serving alcoholic beverages. If the primary purpose of such an establishment is found by the Housing Expediter to be the serving of food, with alcoholic beverages being served only incidentally, the establishment will be considered a restaurant and a letter of exemption will be issued. On the other hand, if the primary purpose is found by the Housing Expediter to be the serving of alcoholic beverages, with food being served only incidentally, a letter of exemption will not be issued, but the application will be considered for approval in accordance with paragraphs (q) through (s) of this section.

In determining whether an establishment is to be used primarily as a restaurant, or primarily as a bar room, cocktail lounge, night club, or tavern serving alcoholic beverages, the Housing Expediter will consider the following factors:

- Area and serving capacity of kitchen facilities.
- Size of bar.
- Total seating capacity, and seating capacity for customers purchasing alcoholic beverages only.
- Facilities, if any, provided for entertainment.
- Number of employees preparing and serving food, number preparing and serving alcoholic beverages, and total number of employees.
- Percentage of gross receipts resulting from service of food, and from service of alcoholic beverages.
- Hour of the day at which the establishment opens for business.
- Other relevant factors.

(f) *Structures not covered.* This paragraph explains what kinds of structures are not covered by this Construction Limitation Regulation:

(1) *Structures not used for recreation or amusement.* If no part of a building is to be used for or in connection with any recreational, amusement, or entertainment purpose, the building is not covered by this section. If a structure other than a building is not listed in paragraph (e) (2) of this section, it is not covered by this section.

(2) *Recreation room in private dwelling.* This section does not cover a private "recreation room" in a house, or in an individual dwelling unit of an apartment building or other residential structure.

(g) *Work covered.* This paragraph explains what kinds of work are covered by this Construction Limitation Regulation, when done in connection with a structure to be used for recreational or amusement purposes:

(1) *General.* This section covers construction, repairs, additions, alterations, improvements, and conversions. These terms include any kind of work on a structure which involves putting up or putting together building materials, supplies, or equipment of any kind. This definition determines whether a particular kind of work is covered by this section, except that the rules set out in paragraphs (g) (2) through (g) (5) and paragraph (h) of this section control in the special cases described in those paragraphs.

(2) *Nailed, screwed, bolted, connected, installed on base, or cemented.* This section covers the installation or relocation of the following items if they are (i) attached to a building or other structure by nails, screws, or bolts, (ii) connected with the plumbing or other piping system of the structure, (iii) connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet) (iv) installed on a base or foundation built for the particular item in question, or (v) cemented to the structure:

Air conditioning equipment (except self-contained individual units with no duct systems).

- Bars.
- Bowling alleys.
- Furnaces and furnace burner or boiler burner units.
- Heating equipment.
- Kitchen cabinets.
- Lighting equipment.
- Marquees.
- Paneling.
- Plumbing equipment.
- Ventilating equipment.

(None of the above items include any item specifically listed in paragraph (h) (3) of this section.)

(3) *Attached as part of structure.* This section covers the installation or relocation of the following items if they are attached to a building or other structure in such a manner that they cannot be removed without demolition of the item or substantial injury to the structure:

- Blinds.
- Bookcases.
- Booths.
- Counters.
- Partitions.
- Refrigerators.
- Showcases, including refrigerated showcases.
- Signs, electric and other.
- Soda fountains.
- Storage racks.
- Water coolers.

NOTE: If the items listed in subparagraphs (2) and (3) of this paragraph are not attached to a building or other structure in the manner described in the respective subparagraph, their installation or relocation is not covered by this section.

(4) *Construction for temporary purpose.* This section covers the erection of a structure to be used for recreational or amusement purposes; even though it is erected only for a single occasion or event and taken down afterwards. (This does not apply to the erection of a previously used structure which is rented for the single occasion or event.) For example, this section covers the construction

of bleachers for a prize fight, a circus, or a football season.

However, as provided in paragraph (1) (4) (ii) of this section, the cost or value of previously used materials may be excluded when calculating the cost of such a job if the materials were severed from the same structure or another structure owned by the builder, and if they are to be used without change of ownership. The cost of labor working on such materials may also be excluded. Thus, a circus, for example, is not required to obtain a permit in order to put up bleachers which it has previously used and which it owns.

(5) *Alterations in connection with installation of machinery.* This section covers alterations to a building or other structure covered by the section, even though the alterations are made in connection with an installation or relocation of machinery and equipment which is itself exempt under paragraph (h) (3) of this section.

For example, if a foundation is built inside a building to receive the equipment, or if new walls are installed to separate a machine from the rest of the building, these alterations are covered by this section. This is so even though the installation of the machinery or equipment is exempt.

The installation of an elevator (exempt under paragraph (h) (3) of this section) provides a second example. In such a job, the following work is covered by this section: preparing the shaft, strengthening the building to support the elevator, and constructing a penthouse on the roof of the building or a room in the basement to enclose the motors. However, the installation of the following items is exempt: the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables, and the doors or frames to the elevator shaft.

(h) *Work not covered.* This paragraph explains what kinds of work are not covered by this section, even though done in connection with a structure to be used for recreational or amusement purposes:

(1) *Certain work on existing structures.* This section does not cover the following kinds of work, when done on existing buildings or other structures:

Greasing, overhauling or repairing existing equipment, or installing repair or replacement parts in existing equipment. This includes the replacement of parts which are no longer serviceable, but does not include the replacement of the entire piece of equipment.

Sanding floors and sand blasting buildings.

Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by this section is done in connection with the painting, papering or waterproofing. This exception does not apply to new parts of a structure which has been altered.

Pointing bricks, sparkling plaster and caulking windows.

Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.

Laying asphalt or other floor tile or linoleum or installing cork block insulation, in existing buildings (whether or not cemented to the building).

These kinds of work are exempt from this section only if done on existing

buildings or other structures. If they are done in connection with the original construction of a building or other structure, or in order to complete a building or other structure immediately after its original construction, they are covered by this section.

(2) *Preliminary and outside work.* This section does not cover the following kinds of work:

Site preparation, such as excavating, grading, filling with dirt, gravel or crushed stone, and landscaping.

Constructing or erecting forms for concrete.

Erecting construction fences, work sheds and construction shanties.

Laying sidewalks, driveways (public or private), roads or streets.

Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.

Installing any item of equipment outside of and not attached to a building or other structure, even though a foundation is built for it and even though the equipment is connected with a building or other structure by pipes or pipe lines, wires or the like.

Building retaining walls not physically incorporated within the structure.

Building bridges, breakwaters, bulkheads, piers or docks (except commercial amusement piers).

Driving sheet piling to prevent cave-ins.

Demolition of buildings.

Tearing out partitions or walls in a building which is being altered.

(3) *Installation of certain equipment.* This section does not cover the installation or relocation of the following items:

Air conditioning equipment comprised of self-contained individual units with no duct systems.

Automatic fire protection sprinkler systems.

Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.

Cooling towers.

Escalators, elevators and dumb waiters.

Lighting equipment for flood lighting baseball parks or other outdoor operations.

Projection and sound equipment.

Radio and television towers and other transmitting and receiving equipment.

Stokers installed in connection with heating equipment already installed in a building.

Storm windows, storm doors, screens, awnings and venetian blinds.

Stoves.

Theatre seats.

Any item listed in paragraph (g) (2) of this section, if not installed so as to be covered by that paragraph.

Any machinery or equipment installed to provide a special service in a structure and not installed merely to operate the structure, including any item listed in paragraph (g) (3) of this section if not installed so as to be covered by that paragraph.

Any kind of equipment or furniture not attached or connected to a building or other structure (unless covered by paragraph (g) (2) (iv) of this section).

EXEMPTIONS

(i) *Small jobs.* This paragraph provides exemptions for small jobs as follows:

(1) *Amount of exemptions.* It is not necessary to get a construction permit under this section to do any separate construction, repair, addition, alteration, improvement, or conversion job on any

structure covered by this section if the cost of the job does not exceed \$2,500.

However, this exemption does not apply to any job consisting of conversion to recreational, amusement, or entertainment purposes of any part or all of a structure last used for residential purposes. In such a case, the small job exemption is \$200.

(2) *Single job.* No job which would ordinarily be done as a single piece of work may be subdivided (except as provided in subparagraph (4) (iii) of this paragraph) for the purpose of coming within the exemption given under subparagraph (1) of this paragraph. A related series of operations in a structure which are performed at or about the same time, or as part of a single plan or program, always constitute a single job.

When a building or part of a building is being converted from one purpose to another, all work incidental to and done in connection with the conversion must be considered as one job. In the same way, if a building is being renovated, improved or modernized over an extended period, all work done in connection with the modernization must be considered as one job, even though separate contracts are let for different parts of the work.

(3) *Separate structures.* Work done on two or more separate structures is not considered one job, even if done as a part of a single plan. In this case, the rules of subparagraph (2) of this paragraph are applied to each structure separately. For example, if two or more related structures are to be built and the cost of each does not exceed the small job exemption, each of these structures may be built without getting a construction permit.

In order for a building to be considered a separate building for the purpose of this subparagraph (3) it must have a separate foundation or base, a separate roof, and four walls. In a group of buildings to be used for the same general purpose (such as an amusement park, race track, or the like) each building must at every point be separated from adjacent buildings by a distance at least as great as the customary width of a public passageway. Any structure such as a grandstand, stadium, bleachers, or similar seating arrangement which is designed for use by the spectators of a single event, or spectacle is a single structure, even though divided into several seating sections and no matter how far apart the sections may be.

(4) *How to figure cost.* For the purpose of determining whether a particular job is exempt from this section under the small job exemption, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. As provided in subparagraph (2) of this paragraph, this cost may not be broken up to bring it within the \$2,500 (or \$200, if applicable) small job exemption.

The following rules govern the calculation of cost of a job:

(i) *Items to be included.* The cost of a job includes the following:

The cost or value of materials and equipment incorporated in the structure, whether or not obtained without paying for them, except the items listed in (ii) below.

The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor exempt under (ii) below. If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.

The amount paid for contractors' fees.

(ii) *Items not to be included.* The cost of a job does not include the following:

The cost or value of materials, equipment, and labor used in work on structures exempt under paragraph (f), or in work exempt under paragraph (h) of this section.

The cost or value of previously used materials and equipment, when these have been covered from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership; and the cost of labor engaged in installing these items.

The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in the business of producing these materials for sale; and the cost of labor engaged in installing these items. This exemption does not apply to materials or products assembled by the builder from new or used materials not themselves exempt.

The value of unpaid labor.

The cost or value of the land and existing structures.

The amount paid for architects' and engineers' fees.

(iii) *Special rule if same establishment operated for more than one purpose.* If an establishment is operated primarily for a purpose which is exempt from this section, and only incidentally for a recreational or amusement purpose, the cost of a job is calculated for only those parts of the establishment which are to be used primarily for the recreational or amusement purpose.

For example, if the primary purpose of an establishment is the serving of food, and alcoholic beverages are served only incidentally, the cost of a job is found by adding the following amounts:

The cost of the bar fixture and its installation.

The cost of any other general construction required for the operation of the bar, including the cost of service lines such as wiring, piping, etc., which are used specifically for the bar.

The cost of other attached fixtures used primarily in connection with the serving and consumption of alcoholic beverages.

The pro-rated construction cost of the space used for dispensing of alcoholic beverages, and of the space used primarily for consumption of alcoholic beverages.

The last item, the pro-rated construction cost, is figured in four steps: First.

Compute the total cost of all construction work on the entire building, or part of the building, used for this establishment (excluding the cost of the bar fixture and items covered by paragraph (g) (3) of this section) *Second*. Compute the total floor area used by the establishment (excluding basement, storage space, or other space not used directly in the operation of the establishment) *Third*. Compute the floor area used primarily for recreational or amusement purposes (including the area used for the bar, the back bar, and any other facilities serving the bar; the area five feet outside the limits of the bar and any space used primarily for the consumption of alcoholic beverages (such as a cocktail lounge, tavern, bar-room, etc.) *Fourth*. Divide the floor area used primarily for recreational or amusement purposes by the total floor area of the establishment, and multiply this ratio times the total construction cost to get the desired prorated construction cost of the space used for the dispensing and consumption of alcoholic beverages.

(j) *Disaster* This paragraph provides the following exemptions for work made necessary by disasters:

(1) *General*. It is not necessary to get a construction permit under this section to do the minimum work necessary to prevent more damage to a building or other structure (or its contents) covered by this section which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(2) *Special cases*. Until further notice, it is not necessary to get a construction permit under this section to do a restoration job on any building or other structure covered by this section in the (i) Woodward, Oklahoma area, (ii) Texas City, Texas area, or (iii) Rutland County, Vermont area, if the restoration is made necessary by damage caused by the disasters which occurred in Woodward on April 9, 1947, which commenced in Texas City on April 16, 1947, and which occurred in Rutland County on June 2 and 3, 1947. In each case the exemption is limited to the restoration of structures to substantially the same size and condition as on the day immediately preceding the disaster. (This continues the exemptions originally provided by Directions 4, 5, and 6 to Veterans' Housing Program Order 1.)

(k) *Military construction*. It is not necessary to get a construction permit under this section to do any work by or for the account of the U. S. Army or Navy.

(l) *Veterans Administration construction*. It is not necessary to get a construction permit under this section to do any work on construction projects of the Veterans Administration, including projects being built by the Corps of Engineers for the Veterans Administration. Also, it is not necessary to get a construction permit under this section to do any remodeling job on a building or any

part of a building which has been leased to the Veterans Administration, or to Public Buildings Administration for occupancy or use by the Veterans Administration.

(m) *State and county fairs and non-profit expositions*. It is not necessary to get a construction permit under this section to do any work on buildings or other structures for use in connection with:

(1) A State or county fair (including a rodeo operated by a governmental agency or instrumentality, or by a corporation or association not organized for profit) or

(2) An agricultural, livestock or industrial exposition or exhibition, the net proceeds from which are used exclusively for improvement, maintenance and operation of such exposition or exhibition.

However, this exemption does not apply to commercially operated fairs other than State or county fairs, nor to expositions or exhibitions which do not come under subparagraph (2) of this paragraph.

APPLICATIONS FOR CONSTRUCTION PERMITS

(n) *Filing of applications*. Applications for construction permits under this section should be made on Form OHE 14-171. Copies of this form may be obtained at the Area Rent Offices of the Office of the Housing Expediter. Applications should be prepared in accordance with paragraphs (o) and (p) of this section, and addressed to the Housing Expediter, Washington 25, D. C., Ref: Non-Residential Construction Branch.

A person who has been issued a construction permit under this section or an authorization under Veterans' Housing Program Order 1, and who wishes to have the permit or authorization amended, should file a new application on Form OHE 14-171. The application should be filed in accordance with the rules of this paragraph (n) which govern new applications. It should clearly state the reasons why the applicant considers that his permit or authorization should be amended.

(o) *Calculating cost for purpose of application*. Form OHE 14-171 requires the applicant to state, in Item 5, the estimated cost of the proposed job for which he is requesting a construction permit. For this purpose, the cost of a job should be calculated by the same method as provided in paragraph (i) (4) for the purpose of the small job exemption.

Item 5 on the application form is broken down into two parts: (1) cost of the structure less cost of fixtures, and (2) cost of fixtures. For this purpose, "fixtures" means the items listed in paragraphs (g) (2) and (3) of this section if installed so as to be covered by those paragraphs.

(p) *Responsibility for statements in application*. In reviewing an application for a construction permit to determine whether it should be approved, the Office of the Housing Expediter relies upon the statements and representations made in the application, and in supplementary documents filed with the application.

Severe criminal penalties may be imposed for making willfully false statements or representations in connection with these applications and documents.

This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the construction permit imposes upon the builder and others concerned with the project the responsibility of carrying out the provisions of the permit and the representations made. Therefore, it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness.

Applicants should observe the following rules in this regard:

(1) *Statements concerning construction*. The application should be made and signed by the person who is to be responsible for the construction. Normally, this is the individual who (or a responsible officer of the corporation which) owns or is to own the building or other structure involved. However, tenants, contractors, and architects may be in a position to assume responsibility for the performance of the construction in accordance with the permit, and if they do sign the application they will be held responsible.

(2) *Statements as to need and use*. On the other hand, contractors and architects are ordinarily not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. If the person who signs the application is not personally familiar with the need for the proposed work, and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application and signed by (i) the prospective occupant of the building, or (ii) a responsible officer of the corporation which is to occupy it, or (iii) any other person who is in a position to accept the responsibility for these statements.

STANDARDS FOR APPROVAL

(q) *Essentiality*. An application for a construction permit may be approved on the ground that it is essential to construct the proposed project at the present time. In general, a proposed project will be considered essential if it falls into one of the categories listed in this paragraph. The applicant must show clearly that the proposed construction is necessary to accomplish the purpose involved.

(1) *Community facilities*. Applications for a permit for the construction of essential community facilities covered by this section may be approved if it is clearly shown that the lack of such facilities constitutes a severe and unreasonable hardship on the community or area to be served. In general, applications for additional community facilities will not be approved under this subparagraph

unless there has recently been such a substantial growth in population that the existing facilities are clearly inadequate.

(2) *Repairs and maintenance.* Applications for a permit to make repairs and to do maintenance work covered by this section may be approved if denial would make it impossible to continue use of a building or other structure, or if serious injury to a building or other structure would result. Permits will be granted only for the minimum work necessary to keep the building or other structure in sound working condition. Alterations, expansions and modernizations will not be approved under this subparagraph.

(r) *Hardship.* An application for a construction permit for work necessary to alleviate or forestall hardship may be approved if denial would work a severe and unusual hardship. The hardship must be exceedingly severe, such as threatened bankruptcy or substantial impairment of means of livelihood.

For example, an applicant who has lost or is about to lose his place of business as a result of eviction, condemnation or disaster may be issued a construction permit to replace the facilities, if it is impracticable for him to repair or restore the old facilities or to buy or rent any other place to conduct his business. However, applications will not generally be approved on the basis of loss of former facilities if the loss occurred more than six months before the filing of the applications. The authorization will generally be limited to approximately the same amount of space which has been or will be lost. Evidence of practical impossibility of continuing in the premises must be shown in the case of eviction or condemnation.

Applications which involve the conversion of residential space to recreational or amusement purposes will rarely be approved on the ground of hardship.

(s) *Impact on housing and other construction.* There is a shortage of building materials for housing and other purposes. It is the purpose of this section to conserve such materials. Each different construction job will have a different impact, measured in terms of the scarce materials used, on housing and other construction. This impact is considered by the Office of the Housing Expediter, when passing upon applications for construction permits, in the following way:

(1) *No impact.* An application for a construction permit will be approved if the proposed work will require no scarce building materials, such as cast iron pressure pipe and fittings, cast iron soil pipe, electrical service equipment and wiring devices, galvanized sheet steel, gypsum board and lath, hardwood flooring, millwork, nails, plywood (construction grades), steel and wrought iron pipe, and water closet bowls and tanks.

(2) *Negligible impact.* An application for a construction permit may be approved if (i) the proposed work very nearly qualifies under paragraph (q) or (r) of this section, and (ii) the proposed work will require only negligible quantities of scarce building materials, such as those listed in subparagraph (1) of this paragraph. To assist in the processing of his application, the applicant

may submit the approximate quantities and sizes of such materials which he estimates he will use in his proposed construction job.

(3) *Materials on hand.* The mere fact that an applicant already has materials on hand will not generally be considered to mean that their use will constitute only a negligible impact, or no impact, on housing and other construction.

(4) *Related work.* In measuring the impact of a project on housing and other construction, consideration will be given to the scarce building materials to be used in work related to the proposed project (such as temporary construction buildings, fences, and the like), as well as materials to be used in the project itself.

(5) *Elimination of housing.* An application for a construction permit will generally not be approved under this paragraph (s) if the proposed project would result in elimination of residential accommodations, such as the conversion of apartments to a night club or other recreational club.

(6) *Not permitted to divide job to avoid impact.* No job which would ordinarily be done as a single piece of work may be subdivided for the purpose of qualifying for a construction permit under this paragraph (s).

RESTRICTIONS ON AUTHORIZED CONSTRUCTION

(b) *Restrictions imposed by CLR permit or VHP-1 authorization.* A person who has been issued a construction permit under this section, or an authorization under Veterans' Housing Program Order 1, to do work covered by this section must observe all the restrictions imposed on him by the permit or the authorization. In doing the work authorized by the permit or authorization, he must not do any work of the kinds covered by this section unless it is specifically covered by the permit or authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the small job exemption given by paragraph (i) of this section.

(u) *Permits and authorizations not transferable.* Construction permits are issued in reliance on representations made by the applicant. This was also true of authorizations issued under Veterans' Housing Program Order 1. For this reason, no person to whom a construction permit has been issued under this section shall transfer the permit, and no person to whom an authorization has been issued under Veterans' Housing Program Order 1 shall transfer the authorization. Any such transfer attempted is void.

If for any reason a builder wishes to abandon a project and another builder wishes to continue it, the new builder should apply to the Housing Expediter attaching to his application a letter from the former builder joining in the request for the issuance of a new permit.

MISCELLANEOUS

(v) *Violations.* It shall be unlawful for any person to do any act prohibited by this section. Any person who willfully violates any provision of this sec-

tion and any person who makes any false statement or who wilfully conceals a material fact in connection with any statements made under this section, shall upon conviction thereof be subject to fine or imprisonment or both. In addition, any such person or any other person who violates any provision of this section may be subject to such administrative and civil enforcement action as authorized by law.

(w) *Communications and appeals.* All communications concerning this section should be addressed to the Housing Expediter, Washington 25, D. C., Ref. CLR.

Any person whose application for a construction permit has been denied may file an appeal from such denial. The appeal should be by letter in triplicate addressed to the Housing Expediter, Washington, D. C., Ref: CLR Appeal. If such a person desires, he may also request an oral hearing on his appeal before the Construction Review Board in Washington, D. C.

(x) *Reports.* All persons affected by this section shall file such reports as may be requested by the Housing Expediter, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(y) *Geographical applicability.* This section applies to the forty-eight States and the District of Columbia.

(z) *Effective date.* This section as originally issued became effective on June 30, 1947, simultaneously with the revocation of Veterans' Housing Program Order 1. This amendment shall become effective August 29, 1947.

(Pub. Law 129, 80th Cong.)

Issued this 29th day of August 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARcone,
Authorizing Officer.

[F. R. Doc. 47-8176; Filed, Aug. 23, 1947;
4:43 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

WARRANT OFFICERS BAND LEADERS

Rescind paragraph (a) of § 201.13a and substitute the following in lieu thereof:

§ 201.13a *Warrant officers band leaders*—(a) *General.* (1) The provisions of § 201.7 apply to warrant officer band leaders except that when the Adjutant General of any State, Territory, or the District of Columbia certifies to the Chief, National Guard Bureau, that the following conditions are met, the Chief, National Guard Bureau, may grant a waiver of the wartime service requirements in the case of warrant officer, junior grade, band leaders:

(i) The individual is the only man available.

(ii) The individual is qualified, in accordance with paragraph (c) of this section, for all other factors, other than wartime service.

(2) The provisions of §§ 201.8 to 201.13 inclusive, apply to warrant officer band leaders. [NGR 22, 12 Nov. 1946 as amended by NGB Cir. No. 29, 31 Jul 1947] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-8133; Filed, Sept. 2, 1947; 8:52 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of Interior

PART 10—DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

Part 10 is amended as follows:

1. Section 10.1 *Waiver of fees*, is revoked.

2. Section 10.2 *Acceptance of gifts or loans of museum material*, is revoked.

3. Section 10.3 *Issuance of permits for military purposes*, is revoked.

4. Section 10.4 *Construction contracts*, is revoked.

5. Section 10.5 *Authority of Associate Director*, is revoked.

6. Section 10.6 *Superintendents and custodians to issue permits*, is redesignated § 10.1.

7. Section 10.7 *Regional Directors to issue revocable permits*, is redesignated § 10.2.

8. Section 10.8 *Field officers to execute contracts*, is redesignated § 10.3.

CROSS REFERENCE: For delegations of authority from the Secretary of the Interior to the National Park Service, see 36 CFR, Chapter I, Part 01 and Part 2; and 43 CFR, Subtitle A, Part 4.

(Sec. 2, 39 Stat. 535, 60 Stat. 237, 16 U. S. C. 2, 5 U. S. C., Sup. 1001 et seq.)

Issued this 26th day of August 1947.

HILLORY A. TOLSON,
Acting Director
National Park Service.

[F. R. Doc. 47-8147; Filed, Sept. 2, 1947; 8:48 a. m.]

Chapter III—Corps of Engineers, War Department

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

BLUE MOUNTAIN RESERVOIR AREA, PETIT JEAN RIVER, ARKANSAS

Pursuant to the provisions of section 4 of the Act of Congress approved December 22, 1944 (58 Stat. 889) as amended by the Flood Control Act of 1946 (60 Stat. 641) paragraph (h) setting forth rules and regulations governing public use of the Blue Mountain Reservoir Area, Petit Jean River, Arkansas, is added to § 311.1 as follows:

§ 311.1 *Areas covered.* * * *

(h) Blue Mountain Reservoir Area, Petit Jean River, Arkansas.

[Regs. 21 July 1947—ENGWF] (58 Stat. 889 as amended, 60 Stat. 641, 16 U. S. C. Sup. 460d)

[SEAL] EDWARD F WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-8134; Filed, Sept. 2, 1947; 8:52 a. m.]

TITLE 37—PATENTS, TRADE- MARKS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 10—ORGANIZATION AND FUNCTIONS

Part 10 (11 F. R. 177A-331-334) is hereby amended to read as follows:

- Sec.
- 10.1 Establishment.
 - 10.2 Functions.
 - 10.3 General organization.
 - 10.4 Commissioner of Patents.
 - 10.5 Assistant commissioners.
 - 10.6 Solicitor and Law Examiners.
 - 10.7 Board of Appeals.
 - 10.8 Executive Primary Examiner.
 - 10.9 Examining Divisions.
 - 10.10 Classification Group.
 - 10.11 Interference Division.
 - 10.12 War Division.
 - 10.13 Trade-mark Examining Operations.
 - 10.14 Executive Office.
 - 10.15 Register, Correspondence and Mail Branch.
 - 10.16 Financial Division.
 - 10.17 Application Branch.
 - 10.18 Drafting Branch.
 - 10.19 Issue and Gazette Branch.
 - 10.20 Docket Branch.
 - 10.21 Assignment Branch.
 - 10.22 Manuscript and Lithographic Branch.
 - 10.23 Patent Copy-Sales Branch.
 - 10.24 Scientific Library.
 - 10.25 Search Room.
 - 10.26 Register of patents available for license or sale.
 - 10.27 Publications of the Patent Office.
 - 10.28 Outline of procedure in obtaining patents.
 - 10.29 Outline of procedure in registering trade-marks.
 - 10.30 Records and information.

AUTHORITY: §§ 10.1 to 10.30, inclusive, issued under sec. 3, 60 Stat. 238; 5 U. S. C., Sup., 1002.

§ 10.1 *Establishment.* The Patent Office was established to administer the patent laws enacted by Congress in accordance with Article I, section 3, of the Constitution. The first of these laws was enacted April 10, 1790 (1 Stat. 318) but the Patent Office as a distinct bureau in the Department of State dates from the year 1802, when an official who became known as the Superintendent of Patents was placed in charge. The general revision of the patent laws enacted July 4, 1836 (5 Stat. 117) reorganized the Patent Office and designated the official in charge as Commissioner of Patents. Another general revision of the Patent laws was made in 1870, and since that date numerous acts of Congress relating to patents have been passed. The present patent laws are set forth in Title 35 of the United States Code. The administration of the Federal trade-mark

laws (Title 15, sections 81 to 108 and 1051 to 1127 of the United States Code) is also in the Patent Office. The Patent Office was transferred from the Department of the Interior, in which Department it had been since 1849, to the Department of Commerce by Executive Order on April 1, 1925, in accordance with the authority contained in the act of February 14, 1903, (32 Stat. 830) The Patent Office is located in Washington, D. C.

§ 10.2 *Functions.* The chief functions of the Patent Office are to administer the patent laws as they relate to the granting of letters patent for inventions, and to perform other duties relating to patents. It examines applications for patents to ascertain if the applicants are entitled to patents under the law, and grants the patents when they are so entitled; it publishes issued patents and various publications concerning patents and patent laws, records assignments of patents, maintains a search room for the use of the public to examine issued patents and records, supplies copies of records and other papers, supplies information concerning patents, and the like. Analogous and similar functions are performed with respect to the registration of trade-marks.

§ 10.3 *General organization.* The Patent Office is organized broadly in (a) the Office of the Commissioner (see §§ 10.4 and 10.5) (b) the Office of the Solicitor (see § 10.6), (c) the Board of Appeals (see § 10.7) (d) the Executive Office (see § 10.14) (e) Patent Examining Operations (see §§ 10.8 to 10.12) and (f) Trade-Mark Examining Operations (see § 10.13) Various offices and divisions are described in greater detail in the following sections but administrative or internal matters are omitted or only mentioned briefly.

§ 10.4 *Commissioner of Patents.* The head of the Patent Office is the Commissioner of Patents, who superintends or performs all duties respecting the granting and issuing of patents and the registration of trade-marks. He exercises general supervision over the entire work of the Patent Office, prescribes rules, subject to the approval of the Secretary of Commerce, for the conduct of proceedings in the Patent Office and for the recognition of attorneys and agents, decides various questions brought before him by petition as prescribed by the rules, and performs other duties necessary and required for the administration of the Patent Office and the performance of its functions. The Commissioner also prescribes the rules governing the registration of trade-marks and hears appeals in trade-mark cases.

§ 10.5 *Assistant commissioners.* The Commissioner of Patents is assisted by three Assistant Commissioners of Patents, one of whom is designated First Assistant Commissioner of Patents, who perform such duties relating to the office of the Commissioner of Patents as are assigned by the Commissioner, with the same authority as the Commissioner. One of them acts as Commissioner of Patents in the temporary absence of the latter.

§ 10.6 *Solicitor and Law Examiners.* The Solicitor and Law Examiners constitute the legal staff of the Commissioner. They have charge of litigation in which the Patent Office is a party, acting as counsel in appeals to the United States Court of Customs and Patent Appeals and in suits against the Commissioner, investigate legal and legislative matters for the Commissioner, edit the legal portions of the Official Gazette, and perform such other duties with respect to matters coming before the Commissioner as he may from time to time assign.

§ 10.7 *Board of Appeals.* The Commissioner, Assistant Commissioners and nine Examiners-in-Chief constitute a Board of Appeals whose duty is to hear and decide appeals from adverse decisions of examiners upon applications for patents. Each appeal is heard and considered by at least three members of the Board of Appeals. Their decisions are reviewable by the courts. The temporary designation of additional members of the Board of Appeals from examiners of the Principal Examiner grade or higher is authorized by Public Law 620, 79th Congress.

§ 10.8 *Executive Primary Examiner.* The Executive Primary Examiner for Patent Examining Operations, assisted by the Supervisory Examiners, aids the Commissioner in the administration of the Patent Office with respect to the examining of patent applications and the examining personnel, and in coordinating the formal procedures and practices among the examining divisions. The Supervisory Examiners instruct new examiners, investigate complaints, investigate or decide for the Commissioner such petitions on matters relating to examining procedure as may be referred or delegated by the Commissioner; pass upon certain actions proposed to be taken by examiners; and perform such other duties as may be assigned by the Commissioner.

§ 10.9 *Examining Divisions.* The work of examining applications for patents is divided among a plurality of numbered Examining Divisions and a Design Division, each having jurisdiction over certain assigned fields of invention. The Design Division handles applications for patents for design inventions. Each of these divisions is in charge of a Primary Examiner and is staffed by a number of examiners, one of whom is assistant chief of the division and acts as chief in the absence of the Primary Examiner. The examiners perform the work of examining applications for patents and determine whether patents can be granted. An appeal can be taken to the Board of Appeals from their decision refusing a patent and a review by the Commissioner of Patents may be had on other matters by petition. The examiners also determine when an interference exists between pending applications, or a pending application and a patent, institute interference proceedings in such cases and hear and decide certain preliminary questions raised by the contestants.

§ 10.10 *Classification Group.* The Classification Group supervises the ex-

isting classification of issued patents, revises unclassified and obsolete classes and makes new classes when necessary. The Classification Examiners review requirements for division in applications improperly claiming more than one invention before they can be made final.

§ 10.11 *Interference Division.* The Interference Division deals with questions of priority between rival claimants for patents. Interferences are decided by a board of three Interference Examiners and their decisions are reviewable by the courts.

§ 10.12 *War Division.* The War Division was established to have charge of the administration of temporary wartime legislation relating to preserving inventions in secrecy, and to issuing licenses to file applications abroad. Rules relating to such licenses are published in the Code of Federal Regulations, Title 37, Chapter I, Part 3.

§ 10.13 *Trade-Mark Examining Operations.* The Trade-Mark Examining Group, the Trade-Mark Interference Division, and the Trade-Mark Classification Division handle the examining and other work relating to applications for the registration of trade-marks.

§ 10.14 *Executive Office.* The Executive Office is headed by the Executive Officer and includes the following divisions: (a) Administrative Management and Budget Division; (b) Personnel Division; (c) Administrative Services Division, including the following branches: (1) Register, Correspondence and Mail Branch (see §§ 10.15 and 10.26) (2) Office Services Branch, (3) Patent Copy Sales Branch (see § 10.23) (4) Manuscript and Lithographic Branch (see § 10.22) (d) Financial Division (see § 10.16) (e) Patent Services Division, including the following branches: (1) Application Branch (see § 10.17) (2) Assignment Branch (see § 10.21) (3) Docket Branch (see § 10.20) (4) Drafting Branch (see § 10.18) (5) Issue and Gazette Branch (see § 10.19) (6) Scientific Library (see §§ 10.24 and 10.25)

§ 10.15 *Register, Correspondence and Mail Branch.* The Register, Correspondence and Mail Branch opens and distributes all official mail and sees to it that all remittances are properly applied, recorded and deposited with the Financial Officer. It has custody of the general correspondence not relating to particular applications for patents. Some routine inquiries are answered by circular letter sent out by this Branch.

§ 10.16 *Financial Division.* The Financial Division is headed by a Financial Officer who receives and accounts for all fees paid into the Patent Office and deposits them in the United States Treasury. Coupons redeemable for copies of patents and other papers are sold, and deposit accounts for the payment of certain charges are maintained. This Division also has charge of refunding money paid by mistake or in excess.

§ 10.17 *Application Branch.* The Application Branch receives, records and acknowledges all applications for patents when they are filed. Upon receipt of an application, the papers are scrutinized to

see if the application is complete in all its parts and complies with certain formal requirements. If the papers are not sufficiently complete to be accepted as an application for patent, the applicant is notified of the deficiencies and the papers are held for completion. If it is complete, the application (the papers being placed in a jacket or file) is given a serial number and filing date, indexed, and (after the drawing has been inspected by the Drafting Division) sent to the particular Examining Division having charge of the subject matter of the application.

§ 10.18 *Drafting Branch.* The Drafting Branch inspects the drawings accompanying applications for patents and for registration of trade-marks to insure compliance with the formal rules relating to drawings and minimum standards of execution. It also prepares new drawings from sketches or models when ordered by an applicant, and makes corrections in drawings on file.

§ 10.19 *Issue and Gazette Branch.* This Branch has the duty of attending to the details of issuing the patents after the applications have been allowed by the examiner. It prepares the specifications for printing and supervises the printing which is done at the Government Printing Office. It also prepares the drawings for photolithographing and supervises this work. It takes care of the numbering, dating, indexing, and recording of patents when granted, and prepares and mails the formal grants. The same work is done in the case of trade-mark registrations. The preparation for printing of the Official Gazette of the United States Patent Office, with its indexes, the annual volumes of Decisions of the Commissioner of Patents, and other publications, are also functions of this Branch.

§ 10.20 *Docket Branch.* The Docket Branch has custody of patent and trade-mark dockets for the Commissioners, the files in interference cases except when they are in use by the examiners, and papers in cases appealed to the Court of Customs and Patent Appeals. Papers filed in such cases go to the Docket Clerk who enters them and is responsible for their custody and distribution. This Branch also handles correspondence relating to the revocation of powers of attorney or authorization of agents.

§ 10.21 *Assignment Branch.* The Assignment Branch receives and records all assignments transferring property rights in patents and trade-marks, and applications for the same. After the assignments are recorded, and the records compared, they are returned to the owners. The division also makes searches of the titles of patents and trade-marks and furnishes abstracts of titles. Digests and indexes are made of all assignments in order to facilitate title searches. These are available to the public.

§ 10.22 *Manuscript and Lithographic Branch.* The Manuscript and Lithographic Branch has charge of furnishing to the public copies of records of the Patent Office. It makes photostat and photographic copies of records, books, patents, etc., and also typewritten copies of manuscripts. It also prepares copies

of patents and other papers to be certified under the signature of the Commissioner and the seal of the Patent Office.

§ 10.23 *Patent Copy Sales Branch.* This Branch has charge of the storage and distribution and sale of the printed copies of patents and trade-mark registrations.

§ 10.24 *Scientific Library.* The Scientific Library contains over 35,000 volumes of scientific and technical books in various languages, about 40,000 bound volumes of periodicals devoted to science and technology, the official journals of foreign patent offices and over 6,000,000 copies of foreign patents in bound volumes. In many cases there are two sets of foreign patents, one set arranged in numerical order and one set classified according to the classification of the country of origin of the patents.

§ 10.25 *Search Room.* The Search Room is maintained for the benefit of the public in searching and examining United States patents and their records. It contains a complete set of United States patents granted since 1836 arranged according to the Patent Office classification. By searching in these classified patents, it is possible to determine, before actually filing an application, whether an invention has been anticipated by a United States patent, and it is also possible to obtain the information contained in the patents relating to any field of endeavor. A file of registered trade-marks is also available in the Search Room for searching purposes.

Attached to the Search Room is a Record Room in which the public may inspect the records and files of issued patents and registered trade-marks. The Record Room contains a set of United States patents arranged in numerical order, in bound volumes, and complete sets of the Official Gazette, the Patent Office Reports, the Annual Indexes, and copies of registered trade-marks.

The Scientific Library, Search Room and Record Room are in immediate charge of the Librarian. They are all open to the public, weekdays 8:30 a. m. to 9 p. m., Saturdays 8:30 a. m. to 1 p. m.

§ 10.26 *Register of patents available for license or sale.* The Patent Office maintains a register on which patentees who are offering their patents for licensing or sale may have them listed.

§ 10.27 *Publications of the Patent Office—(a) Patents.* The specification (including the claims) and drawings of all patents are published on the day they are granted and copies are sold to the public by the Patent Office. The specifications are initially printed at the Government Printing Office and the drawings photolithographed by contractors. When the supply is exhausted, reproductions are made by photolithography.

(b) *Trade-marks.* Copies of trade-mark registrations are also printed and sold by the Patent Office.

(c) *Official Gazette of the United States Patent Office.* The Official Gazette of the United States Patent Office is the official journal relating to patents and

trade-marks. It has been published weekly since January 1872, and is now issued each Tuesday, simultaneously with the weekly issue of the patents. It contains a selected figure of the drawings and one claim of each patent granted on that day, an illustration of each trade-mark published for opposition, a list of trade-marks registered, and other trade-mark information; decisions in patent and trade-mark cases rendered by the courts and the Patent Office; notices of patent and trade-mark suits; indexes of patents and patentees; disclaimers filed; lists of patents available for license or sale; and much general information such as orders, notices, changes in rules, changes in classification, etc.

The Official Gazette is sold, by annual subscription and in single copies, by the Superintendent of Documents. The pages containing the decisions and other information, and those containing trade-mark material, are separately bound and may be purchased independently of the remainder of the Gazette.

(d) *Annual index.* The annual index to the Official Gazette contains alphabetical indexes of the names of patentees, the subject matter of the patents granted, the names of trade-mark registrants, the names of the goods to which the trade-marks are applied, and the disclaimers filed, during the calendar year. Copies are sold by the Superintendent of Documents. At present it is issued in two volumes, one for patents and one for trade-marks.

(e) *Decisions of the Commissioner of Patents.* This volume is issued annually, reprinting the decisions which have been published weekly in the Official Gazette. Copies are sold by the Superintendent of Documents.

(f) *Manual of classification.* The present manual of classification is a loose leaf booklet containing a list of all the classes and subclasses of inventions in the Patent Office classification of patents, a subject-matter index, and other information relating to classification. Substitute pages are issued from time to time. The manual and subscriptions for the substitute pages are sold by the Superintendent of Documents.

(g) *Classification bulletins.* The various changes and advances in classification made during each six months period are collected and published in a bulletin which gives all these changes as well as the definitions of new and revised classes and subclasses. These bulletins are sold by the Superintendent of Documents.

(h) *Patent laws.* This compilation of the patent laws in force is furnished free of charge by the Commissioner of Patents, revised editions being published from time to time.

(i) *Rules of practice of the United States Patent Office.* This publication contains the rules in force governing the procedure in the Patent Office which have been adopted by the Commissioner under the authority of the patent statutes and approved by the Secretary of Commerce, and which are also published in the Code of Federal Regulations, Title 37, Chapter I, Part 1. It also contains an appendix of forms. It is issued for free distribution by the

Commissioner and revised editions are published from time to time.

(j) *United States Statutes concerning registration of trade-marks and the rules of the Patent Office relating thereto.* This pamphlet is also distributed free of cost by the Commissioner of Patents.

(k) *General information concerning patents.* This pamphlet contains a large amount of general information concerning the granting of patents expressed in non-technical language for the layman. It is distributed free on request.

(l) *General information about protection of trade-marks.* This pamphlet serves the same purpose with reference to trade-marks as the preceding does concerning patents.

(m) *Other publications.* The publications listed are those published regularly and currently, those no longer published and those only issued on occasion not being listed. Circulars of information on particular subjects are also issued to answer particular inquiries.

§ 10.28 *Outline of procedure in obtaining patents.* (a) The obtaining of a patent is initiated by the filing of an application in the Patent Office. The application includes a complete description of the invention, claims defining the invention, a drawing in each case admitting of a drawing, an oath, and a filing fee, and must comply with various requirements. The application must be made by the inventor with the papers signed and the oath sworn to by him (unless he is dead or insane). The application is forwarded to the appropriate Examining Division where, when its turn is reached, it is examined. The application is studied and a search is made through all prior United States patents, and also through patents of foreign countries and publications to find out if the invention is new. A decision is reached, in the light of the study and the results of the search, as to the patentability of the invention or the claims presented and also as to various formal matters. The decision is communicated to the applicant. If adverse, the applicant may ask for reconsideration with or without amending. The application is then re-examined and reconsidered and the result again communicated to the applicant. Further reconsideration of the application may be given.

(b) If the final decision of the examiner is adverse to the granting of a patent, or any of the claims presented, the applicant may appeal to the Board of Appeals and is entitled to an oral hearing. From the decision of the Board of Appeals an appeal may be taken to the United States Court of Customs and Patent Appeals or a civil action may be brought against the Commissioner in the United States District Court for the District of Columbia. Matters of form and procedure may be reviewed on petition to the Commissioner.

(c) The various responses and actions which an applicant may take are governed by time limits fixed by or under the statute and rules and an application is abandoned by failure to reply or take appropriate action within the specified times. An abandoned application may

be revived as a pending application by the Commissioner if the delay was unavoidable.

(d) If there are two or more applications for a patent for the same invention, an interference proceeding to determine who is the prior inventor and entitled to the patent is instituted by the examiner, who also decides certain preliminary questions relating to the interference. An interference may also be declared between a pending application and an unexpired patent under certain conditions. The question of priority of invention is determined by a board of three Interference Examiners and their decision is reviewable by the courts, either by an appeal to the United States Court of Customs and Patent Appeals or by a civil action in a United States District Court.

(e) When it has been decided that a patent is to be granted, the applicant is sent a notice of allowance and if the final fee, due within six months, is paid, the patent is granted in due course. If the final fee is not paid, the patent is not granted, but the fee may be accepted late upon petition to the Commissioner accompanied by a petition fee and a verified statement provided the delay does not exceed one year.

(f) The prosecution of an application for patent must be conducted in writing and the personal attendance of applicants is not required and is unnecessary. Applicants may arrange for interviews with examiners at such times within office hours as the examiners may designate.

(g) An applicant for a patent may prosecute his own case, but he is entitled to be, and usually is, represented by an attorney or agent. No person may represent applicants before the Patent Office unless he is registered in the Patent Office as an attorney or agent, or authorized and recognized to prosecute a particular case.

(h) The rules of practice, setting forth the requirements and the procedure in detail, are published separately and also as Title 37, Chapter I, Part 1 of the Code of Federal Regulations.

§ 10.29 *Outline of procedure in registering trade-marks.* The procedure in trade-mark cases before the trade-mark examiner generally follows that in patent cases. An application for registration must be filed in accordance with the requirements of the statute and rules and the application is then examined to determine if the trade-mark can be registered under the law. Interferences are declared between conflicting applications to register substantially the same mark. When a trade-mark is found registrable, it is published in the Official Gazette and any person who believes he would be damaged thereby may oppose the registration. Any person deeming himself injured by a registered trade-mark may apply to cancel the registration. Interference, opposition and cancellation proceedings are decided by an Examiner of Trade-Mark Interferences. Appeal may be taken to the Commissioner from the decision of the examiner refusing to register a trade-mark and from the decision of the Examiner of Trade-Mark Interferences. The decision of the Commis-

sioner is subject to review by the courts either by appeal or by a civil action.

Rules of practice, setting forth the requirements and the procedure in detail are published separately and also as Title 37, Chapter I, Part 100 of the Code of Federal Regulations.

§ 10.30 *Records and information.* Applications for patent are not open to the public and information concerning them is not given except on authority of the applicant, or when necessary to the conduct of business as provided by the rules, or when required or made necessary by a statute. Selected decisions rendered by the Commissioner or the Board of Appeals in applications may be made public. Patents and trade-mark registrations and the records relating to the same including any decisions therein, the records of assignments, books and other records and papers in the office are open to the public and may be inspected in the Patent Office or copies may be ordered. Printed copies of patents and trade-mark registrations are sold by the Patent Office, some publications are sold by the Superintendent of Documents, and other publications are distributed free on request by the Patent Office. When information is requested it is furnished either by answering the inquiry or by providing or calling attention to an appropriate publication. The office can not respond to inquiries concerning the novelty and patentability of an invention or the registrability of a trade-mark in advance of the filing of an application, nor to inquiries propounded with a view to ascertaining whether any alleged invention has been patented or trade-mark registered, and, if so, to whom. All letters and other communications for the Patent Office must be addressed to the Commissioner of Patents. A schedule of fees and prices in cases where they are required is set out in § 1.191 of Part 1 and § 100.21 of Part 100 of this title.

CASPER W. OOMS,
Commissioner of Patents.

[F. R. Doc. 47-8151; Filed, Sept. 2, 1947;
8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 35—VETERANS REGULATIONS

VOCATIONAL REHABILITATION AND EDUCATION: OF VETERANS

1. In section 35.017 *Vocational rehabilitation*, paragraph (c) is amended to read as follows:

(c) While pursuing training prescribed herein, and for two months after his employability is determined, each veteran shall be paid the amount of subsistence allowance specified in § 35.018 (f) *Provided*, That the minimum payment of such allowance, plus any compensation or other benefit shall be (1) where the service-connected disability is rated less than 30 per centum, for a person without a dependent, \$105 per month; and for a person with a dependent, \$115, plus the following amounts for additional depend-

ents: (i) \$10 for one child and \$7 additional for each additional child, and (ii) \$15 for a dependent parent; (2) where the service-connected disability is rated 30 per centum or more, for a person without a dependent, \$115 per month; and for a person with a dependent, \$135, plus the following amounts for additional dependents: (i) \$20 for one child and \$15 additional for each additional child, and (ii) \$15 for a dependent parent: *Provided further*, That the rates set out herein shall not be subject to the increases authorized by Public Law Numbered 312, Seventy-eighth Congress, approved May 27, 1944: *And provided further*, That when the course of vocational rehabilitation furnished to any person as herein provided consists of training on the job by an employer, such employer shall be required to submit monthly to the Administrator a statement in writing showing any wage, compensation, or other income paid by him to such person during the month, directly or indirectly, and based upon such written statements, the Administrator is authorized to reduce the subsistence allowance of such person to an amount considered equitable and just.

(Pub. Law 338, 80th Cong.)

2. In section 35.018 *Education of veterans*, paragraphs (e) and (f) are amended to read as follows:

(e) The Administrator shall pay to the educational or training institution (including the institution offering institutional on-farm training) for each person enrolled in full time or part time course of education or training, the customary cost of tuition, and such laboratory, library, health, infirmary, and other similar fees as are customarily charged, and may pay for books, supplies, equipment and other necessary expenses, exclusive of board, lodging, other living expenses, and travel, as are generally required for the successful pursuit and completion of the course by other students in the institution: *Provided*, That in no event shall such payments, with respect to any person, exceed \$500 for an ordinary school year unless the veteran elects to have such customary charges paid in excess of such limitation, in which event there shall be charged against his period of eligibility the proportion of an ordinary school year which such excess bears to \$500: *Provided further*, That no payments shall be made to institutions, business or other establishments furnishing apprentice training on the job: *And provided further*, That any institution may apply to the Administrator for an adjustment of tuition and the Administrator, if he finds that the customary tuition charges are insufficient to permit the institution to furnish education or training to eligible veterans, or inadequate compensation therefor, may provide for the payment of such fair and reasonable compensation as will not exceed the estimated cost of teaching personnel and supplies for instruction; and may in like manner readjust such payments from time to time.

(f) While enrolled in and pursuing a course under this part (including an institutional on-farm training course) such person, upon application to the Administrator, shall be paid a subsistence

allowance of \$65 per month, if without a dependent or dependents, or \$90 per month, if he has a dependent or dependents, including regular holidays and leave not exceeding thirty days in a calendar year. Such person attending a course on a part-time basis, and such person receiving compensation for productive labor whether performed as part of their apprentice or other training on the job at institutions, business, or other establishments, or otherwise, shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances, as may be determined by the Administrator: *Provided*, That in no event shall the rate of such allowance plus the compensation received exceed \$175 per month for a veteran without a dependent or \$200 per month if he has a dependent or dependents.

3. A new subparagraph (3) is added to paragraph (k) of § 35.018 as follows:

(3) As used in this part the term "institutional on-farm training" shall include any course of instruction approved by the appropriate agency of the State or the Administrator. Such course shall be considered a full-time course when it combines (1) organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational or training institution, with (2) supervised work experience on a farm or other agricultural establishment. To be approved, such a course shall be developed with due consideration to the size and character of the farm on which the veteran is to receive his supervised work experience and to the need of the veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farm management, and the keeping of farm and home accounts. Such a course shall, in addition, satisfy the requirements of either of the following:

(1) If the veteran performs part of his course on a farm under his own control:

(a) He shall receive not less than one hundred hours of individual instruction per year, not less than fifty hours of which shall be on such farm (with at least two visits by the instructor to such farm each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products;

(b) He shall be assured of control of such farm (whether by ownership, lease, management agreement, or other tenure arrangement) until the completion of his course; and

(c) Such farm shall be of a size and character which (1) together with the group instruction part of the course, will occupy the full time of the veteran, (2) will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained, and (3) if the veteran intends to con-

tinue operating such farm at the close of his course, will assure him a satisfactory income under normal conditions.

(ii) If the veteran performs part of his course as the employee of another:

(a) He shall receive, on his employer's farm, not less than fifty hours of individual instruction per year (with at least one visit by the instructor to such farm each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction;

(b) His employer's farm shall be of a size and character which (1) together with the group instruction part of the course, will occupy the full time of the veteran, and (2) will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained;

(c) His employer shall agree to instruct him in various aspects of farm management in accordance with the training schedule developed for the veteran by his instructor, working in cooperation with his employer. If it is found by the Administrator of Veterans' Affairs or the State approving agency that any approved course of institutional on-farm training has ceased to meet the requirements of this act, the Veterans' Administration shall cut off all benefits under his part as of the date of such withdrawal of approval. Where it has been found that a variation in the proportion of hours of group instruction and individual instruction on the farm will better serve the conditions in a certain area, any program acceptable to the State approving agency which meets the total number of training hours called for in this act (including assembled instruction, individual instruction, and assigned and supervised related home study and supervision in operational skills by the farmer trainer under the direction of the institution) shall be recognized as complying with the requirements of this act; and

(d) The Administrator of Veterans' Affairs is authorized to contract with approved institutions for such courses where the Administrator finds that the agreed cost is reasonable and fair.

(Pub. Law 377, 80th Cong.)

[SEAL] O. W. CLARK,
Acting Administrator of
Veterans' Affairs.

SEPTEMBER 1, 1947.

[F. R. Doc. 47-8146; Filed, Sept. 2, 1947;
9:03 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter A—Organization

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

CHANGES IN JURISDICTION OF SAN FRANCISCO DIVISION OF OFFICE OF CHIEF INSPECTOR

Section 1.9 of Part 1 (11 F. R. 177A-123) as amended, is further amended by changing the matter within the parentheses following the words "San Francisco Division" to read as follows: "comprising Arizona, California, Canton Is-

land, Guam, Territory of Hawaii, Nevada, and American Samoa."

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-8118; Filed, Sept. 2, 1947;
8:45 a. m.]

Subchapter C—Procedures and Forms

PART 55—FORMS OF THE POST OFFICE DEPARTMENT

APPLICATION FOR REWARD

Amend § 55.4300 (11 F. R. 177A-159) to read as follows:

§ 55.4300 *Application for reward.* This form provides space for listing complete and informative details concerning the arrest and conviction of a person for one or more of the charges enumerated in the Postmaster General's Notice of Reward, or for an offender who is killed in the act of committing any of the crimes enumerated in the Notice, or in resisting lawful arrest. (R. S. 396, sec. 304, 42 Stat. 24, 5 U. S. C. 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-8119; Filed, Sept. 2, 1947;
8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter III—Inland Waterways Corporation

PART 600—PURPOSE AND FUNCTIONS

PART 601—ORGANIZATION

PART 602—DELEGATED AUTHORITY

PART 603—INFORMATION

MISCELLANEOUS AMENDMENTS

Parts 600, 601, 602 and 603 (11 F. R. 177A-324, 325) are amended as follows:

1. Section 600.3 is amended to read as follows:

§ 600.3 *Operation of barge service.* The Corporation operates a common carrier barge service between the following points:

From Minneapolis, Minnesota, to New Orleans, Louisiana, on the Mississippi River; from Omaha, Nebraska, to St. Louis, Missouri, on the Missouri River; from Chicago, Illinois to St. Louis, Missouri, on the Illinois River; from New Orleans, Louisiana, via the Mississippi Sound to Mobile, Alabama, thence via Warrior River to Port Birmingham, Alabama. It also owns and operates the Warrior River Terminal Company, an Alabama corporation which is its switching and terminal facility, from Port Birmingham, Alabama, to connecting rail lines at Ensley, Alabama. Terminals and rail-water connections are operated by the Corporation at Minneapolis, Minnesota, St. Paul, Minnesota, Dubuque, Iowa, Clinton, Iowa, Burlington, Iowa, St. Louis, Missouri, East St. Louis, Illinois, Kansas City, Missouri, Chicago, Illinois,

Peoria, Illinois, Cairo, Illinois, Memphis, Tennessee, Helena, Arkansas, Vicksburg, Mississippi, Baton Rouge, Louisiana, New Orleans, Louisiana, Mobile, Alabama, Port Birmingham, Alabama. At Rock Island, Illinois and Greenville, Mississippi, the Corporation uses privately operated terminal facilities.

2. Section 601.1 *Officers* and § 601.2 *Principal divisions* are revoked and the following substituted therefor:

§ 601.1 *Organization.* The Secretary of Commerce is the incorporator and head of the Inland Waterways Corporation. However, responsibility for the administration of the Corporation is vested in the Chairman of the Advisory Board and the President in accordance with the by-laws of the Corporation. The Corporation consists of:

The Advisory Board, consisting of six members and a chairman;
The Office of the President;
The Office of the Vice President, which includes the Warrior River Terminal Company;
Office of the Secretary-Treasurer;
Traffic Department;
Marine Department;
Terminal Department;
Personnel Department.

§ 601.2 *Functions.* (a) The Advisory Board is responsible for advising and making recommendations with respect to the management and operation of existing facilities, the development and

operation of new lines, and any other matters submitted to it by the Secretary of Commerce.

(b) The President is responsible for the general direction and coordination of the work of the Corporation.

(c) The Vice President serves as President and directs the operation of the Warrior River Terminal Company which is a switching railroad between Port Birmingham, Alabama, and connecting railroads at Ensley, Alabama. The Vice President is also responsible for handling claims, insurance, leases, and purchasing for the Corporation and chartering activities for the Reconstruction Finance Corporation.

(d) The Secretary-Treasurer is responsible for the fiscal and accounting affairs of the Corporation.

(e) The Traffic Department is responsible for making the services of the Corporation known to the public and for obtaining traffic for the Corporation, for the establishment of the freight rate structure for the Corporation, for dispatching vessels and barges, and for coordinating terminal freight loading and unloading with the movement of equipment.

(f) The Marine Department is responsible for the design, construction, maintenance and operation of the floating equipment of the Corporation.

(g) The Terminal Department operates the terminals of the Corporation.

(h) The Personnel Department is responsible for all personnel and labor relation matters.

3. Section 602.3 *General agents and local agents* is rescinded and the following substituted therefor:

§ 602.3 *Division managers, district managers, district superintendents.* Division managers, district managers, district superintendents and their delegated assistants are authorized to issue and/or sign bills of lading.

4. In section 603.1 *Availability of information*, paragraph (a) is amended to read as follows:

(a) Services offered and rates applicable, from:

General Traffic Manager, New Orleans, La., Assistant Traffic Manager, St. Louis, Mo., District Managers at Minneapolis, Minn., Dubuque, Ia., Burlington, Ia., Chicago, Ill., Peoria, Ill., Cairo, Ill., Memphis, Tenn., Helena, Ark., Vicksburg, Miss., Baton Rouge, La., New Orleans, La., Division Manager at Mobile, Ala., Assistant Division Manager, Birmingham, Ala., Eastern Traffic Representative, New York, New York.

(Sec. 3, 60 Stat. 238; 5 U. S. C., Sup., 1002)

SOUTH TREMBLE,
Chairman, Advisory Board,
Inland Waterways Corporation.
[F. R. Doc. 47-8149; Filed, Sept. 2, 1947;
8:48 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 42, and 61]

TEMPORARY AUTHORIZATION FOR SCHEDULED NONCERTIFICATED CARGO CARRIERS

PROPOSED RULE MAKING

AUGUST 28, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting a proposed Special Civil Air Regulation the purpose of which is to allow Noncertificated Cargo Air Carriers, authorized to conduct scheduled operations under the provisions of § 292.5 of the Economic Regulations, to operate under the provisions of Part 42 of the Civil Air Regulations, pending final disposition of their applications for certificates of public convenience and necessity.

Following is the text of the proposed special regulation:

Those air carriers designated as Noncertificated Cargo Carriers authorized to engage in scheduled interstate or overseas air transportation of cargo under a letter of registration, or exemption therefrom, issued by the Civil Aeronautics Board, may conduct such scheduled air transportation under the air carrier certification and operation rules prescribed in Part 42 of the Civil Air Regulations.

This regulation shall apply only to Noncertificated Cargo Carriers authorized under § 292.5 of the Economic Regulations to engage in the scheduled interstate or overseas air transportation of property, pending the final disposition by the Board of their respective applica-

tions for a certificate of public convenience and necessity, and in any event shall terminate August 1, 1948.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested submit written comments or suggestions regarding the proposed regulation, addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice. (62 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-8148; Filed, Sept. 2, 1947;
8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 239

By virtue of the authority contained in section 4 of the act of May 24, 1928,
No. 172—3

45 Stat. 729 (U. S. C. title 49, sec. 214) it is ordered as follows:

Subject to valid existing rights, the tract of public land on the shore of Iliamna Lake at the southeast end of Kakhonak Bay, Alaska, described below by metes and bounds, is hereby withdrawn from all forms of appropriation under the public-land laws, and reserved for the use of the Civil Aeronautics Ad-

ministration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 239:

Beginning at a point which is a 12 in. spruce blazed on four sides, on the west shore of the most eastern cove of Kakhonak Bay, in latitude 59°24'30" N., longitude

154°31'42" W., Third Judicial Division, Territory of Alaska, thence
West 2,000 feet;
South 2,500 feet;
East 3,400 feet;
North 1,550 feet to a point on the line of mean high tide;

Thence in a southwesterly, westerly and northwesterly direction with meanders of the cove above referred to approximately 2,000 feet to the point of beginning.

The tract as described contains approximately 165 acres.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

MASTIN G. WHITE,
Acting Assistant
Secretary of the Interior

AUGUST 26, 1947.

[F. R. Doc. 47-8121; Filed, Sept. 2, 1947;
8:45 a. m.]

ALASKA

NOTICE OF FILING OBJECTIONS TO DEPARTMENTAL ORDER ESTABLISHING AIR-NAVIGATION SITE WITHDRAWAL NO. 239

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the order of the Acting Assistant Secretary of the Interior of August 26, 1947, withdrawing a tract of approximately 165 acres of public land at the head of Kakhonak Bay, Alaska, in latitude 59°24'30" N., longitude 154°31'42" W., for the use of the Civil Aeronautics Administration, Department of Commerce, as Air-Navigation Site Withdrawal No. 239, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MASTIN G. WHITE,
Acting Assistant
Secretary of the Interior

AUGUST 26, 1947.

[F. R. Doc. 47-8122; Filed, Sept. 2, 1947;
8:45 a. m.]

Geological Survey

MONTANA AND WYOMING; POWDER RIVER

POWER SITE CLASSIFICATION NO. 385

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394, 43 U. S. C. 31) and by Departmental Order No. 2333 of the acting Secretary of

the Interior dated June 10, 1947 (12 F. R. 4025) the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C., Supp. V 818)

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 47 E.,
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 24, lots 1, and 2, N $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 26, lot 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 35, lots 2, 3, 4, 6, 7, 8, 9, 10, and 15.
T. 9 S., R. 48 E.,
Sec. 18, lot 13;
Sec. 19, lot 1;
Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 30, lots 2, and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$,
Sec. 31, lots 3, and 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 32, lots 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 33, lot 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 57 N., R. 75 W.,
Sec. 5, lot 10;
Sec. 6, lots 12, and 13;
Sec. 7, lot 6;
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 17, lots 1, and 3;
Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 58 N., R. 75 W.,
Sec. 19, lots 8, 9, 10, 11, and 12;
Sec. 21, lot 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 24, lot 9;
Sec. 25, tract 95A;
Sec. 29, lot 2;
Sec. 30, lots 5, 6, 7, 8, 9, 10, and 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 32, lots 3, 4, 5, and 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 56 N., R. 76 W.,
Sec. 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 18, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 57 N., R. 76 W.,
Sec. 1, E $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 2, lots 5, and 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 7, lot 23;
Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 11, lots 1, 2, 3, and 4;
Sec. 12, lots 1, 2, 3, and 8;
Sec. 14, lots 2, 3, and 7;
Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 18, lots 5, and 6;
Sec. 23, lots 2, 3, 5, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 25, lot 4;
Sec. 28, SW $\frac{1}{4}$;
Sec. 29, lot 5;
Sec. 30, lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, Tract 69C, and Tract 69D;
Sec. 31, lots 6, 7, and 9.
T. 58 N., R. 76 W.,
Sec. 34, lot 3;
Sec. 35, lot 6;
Sec. 36, lots 4, 5, 6, 7, and 8.
T. 57 N., R. 77 W.,
Sec. 35, lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 5,779 acres, 2,777.12 acres in Montana and 3,001.88 acres in Wyoming.

JULIAN D. SEARS,
Acting Director

AUGUST 26, 1947.

[F. R. Doc. 47-8120; Filed, Sept. 2, 1947;
8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

HANDICAPPED CLIENTS EMPLOYMENT CERTIFICATES

ISSUANCE TO SHELTERED WORKSHOPS

Notice of issuance of special certificates for the employment of handicapped clients by sheltered workshops under the Fair Labor Standards Act of 1938, as amended, and the Walsh-Healey Public Contracts Act, as amended.

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR Cum. Supp., Part 525, amended 11 F. R. 9556) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR Cum. Supp., 201.1102)

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

1. Maryland League for Crippled Children, Inc., 827 St. Paul Street, Baltimore, Maryland, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective August 16, 1947, and expires August 31, 1948. (Renewal.)

2. The Lighthouse for the Blind of New Orleans, 743 Camp Street, New Orleans 12, Louisiana, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher; certificate is effective August 18, 1947, and expires February 18, 1948.

3. Dallas County Association for the Blind, 4306 Capitol Avenue, Dallas, Texas, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher; certificate is effective August 21, 1947, and expires February 21, 1948.

4. Harris County Association for the Blind, 240 Old City Hall Building, Houston 2, Texas, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective August 21, 1947, and expires February 21, 1948.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicant's representation that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided in the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 22d day of August 1947.

R. G. GARCEAU,
Authorized Representative
of Administrator.

[F. R. Doc. 47-8123; Filed, Sept. 2, 1947;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8496, 8497]

R. I. BROADCASTING CO. AND INTER-CITY
BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED IS-
SUES

In re applications of R. I. Broadcasting Company, Providence, R. I., File No. BPH-1307, Docket No. 8497; Inter-City Broadcasting Company, Providence, R. I., File No. BPH-1301, Docket No. 8496; for FM construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of August 1947.

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in the Providence, Rhode Island, area; and

It appearing, that there is only one Class B channel available for immediate assignment to one of the two above-entitled applications;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the above-entitled applications be, and they are hereby designated for hearing in a consolidated proceeding at a date and place to be specified by a subsequent order upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8136; Filed, Sept. 2, 1947;
8:47 a. m.]

[Docket Nos. 8493, 8494]

MISSISSIPPI BROADCASTING CO., INC., AND
STARKVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Mississippi Broadcasting Co., Inc., Starkville, Mississippi, File No. BP-5854, Docket No. 8493; and Grady Imes, James P. Hartness, C. C. Hollinshead and Joe Phillips, a partnership d/b as The Starkville Broadcasting Company, Starkville, Mississippi, File No. BP-6173, Docket No. 8494; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of August, 1947;

The Commission having under consideration the above-entitled applications of Mississippi Broadcasting Co., Inc., and The Starkville Broadcasting Company, both requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time in Starkville, Mississippi;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, and of the applicant partnership and the partners to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby,

and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8137; Filed, Sept. 2, 1947;
8:47 a. m.]

[Docket Nos. 8224, 8495]

LOCKPORT UNION-SUN & JOURNAL, INC.,
AND ERIE BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Lockport Union-Sun & Journal, Inc., Lockport, New York, File No. BP-5880, Docket No. 8224; and Erie Broadcasting Corporation, Buffalo, New York, File No. BP-6206; Docket No. 8495; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of August 1947;

The Commission having under consideration the above-entitled application of Lockport Union-Sun & Journal, Inc. requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time at Lockport, New York and that of Erie Broadcasting Corporation requesting the same frequency, power and hours of operation at Buffalo, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8138; Filed, Sept. 2, 1947;
8:47 a. m.]

[Docket Nos. 8491, 8492]

SOUTHWESTERN BROADCASTING CORP.
(KOSA) AND BIG SPRING HERALD BROADCASTING CO. (KBST)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southwestern Broadcasting Corporation, (KOSA) Odessa, Texas, File No. BP-6198, Docket No. 8491, and The Big Spring Herald Broadcasting Co., (KBST) Big Spring, Texas, File No. BP-6199, Docket No. 8492; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of August 1947;

The Commission having under consideration the above-entitled application of Southwestern Broadcasting Corporation requesting authorization to change facilities so as to operate on 1230 kc, 250 w power, unlimited time in Odessa, Texas, and that The Big Spring Herald Broadcasting Co. also requesting authorization to change facilities so as to operate on 1230 kc, with 250 w power, unlimited time in Big Spring, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate their respective stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of stations KOSA and KBST as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of stations KOSA and KBST as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of stations KOSA and KBST as proposed would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of stations KOSA and KBST as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8139; Filed, Sept. 2, 1947;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-931]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 27, 1947.

Notice is hereby given that on August 5, 1947, an application was filed with the Federal Power Commission by El Paso Natural Gas Company (Applicant) a Delaware corporation with its principal place of business in El Paso, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of certain natural-gas pipe line facilities, subject to the jurisdiction of the Commission, which are described as follows:

(a) Approximately 20 miles of 8½-inch pipe line running from a point on Applicant's 26-inch pipe line now under construction from Lea County, New Mexico, to the Colorado River near Blythe, California, said point being approximately 20 miles southeasterly from the suction of Compressor Station No. 6, known as the Gila Station, which is located in Maricopa County, Arizona, approxi-

mately 20 miles north of the Town of Gila Bend, to a point near Avondale, Arizona. The estimated cost is \$213,600.

(b) Approximately 5 miles of 4½-inch pipe line, running from a point on Applicant's aforesaid 26-inch pipe line, which point is located near the Veterans' Hospital south of Tucson, Arizona, to the Tucson City Gate Station No. 2 located in Pima County, Arizona, east of said Veterans' Hospital. The estimated cost is \$28,500.

(c) A 16-inch pipe line running 46.624 miles from Applicant's said Jal No. 1 Plant in Lea County, New Mexico, to a point in Eddy County, New Mexico, at an intersection with Applicant's above-mentioned 26-inch transmission pipe line. The estimated cost is \$792,000.

(d) A 14-inch pipe line running 13.29 miles from Applicant's Keystone Compressor Station (Docket No. G-655), located in the Keystone-Ellenberger Field in Winkler County, Texas, to Applicant's said Jal No. 1 Plant in Lea County, New Mexico. The estimated cost is \$264,000.

(e) A duplicate 16-inch spiral welded pipe line, approximately 18.4 miles in length, for the transportation of gas from the TXL-Wheeler Field in Ector and Winkler Counties, Texas, to Applicant's Keystone Compressor Station (Docket No. G-655) located in the Keystone-Ellenberger Field in Winkler County, Texas. The estimated cost is \$234,600.

(f) A dehydration plant with a capacity of approximately 65,000,000 cubic feet of gas per day, to be installed at Applicant's Jal No. 1 Plant in Lea County, New Mexico, in addition to the present dehydration facilities at said plant. The estimated cost is \$78,000.

(g) A gas purification plant with a capacity of 50,000,000 cubic feet of gas per day, to be installed at Applicant's Jal No. 1 Plant in Lea County, New Mexico, in addition to the existing gas purification facilities at said plant. The estimated cost is \$180,000.

(h) An addition to the existing high-pressure gas treating plant at Applicant's Eunice Plant in Lea County, New Mexico, increasing the capacity of said treating plant from 45,000,000 to 90,000,000 cubic feet of gas per day. The estimated cost is \$145,000.

(i) An addition to Applicant's Keystone Compressor Station, located in the Keystone-Ellenberger Field in Winkler County, Texas, involving the installation of two additional 800-horsepower units, together with the necessary structures and equipment for the housing and operation of the same. The estimated cost is \$216,000.

(j) An addition to Applicant's Compressor Station No. 1, known as Guadalupe Station, located in Culberson County, Texas, involving the installation of two additional 1,000-horsepower units, together with the necessary structures and equipment for the housing and operation of the same. The estimated cost is \$325,000.

(k) An addition to Applicant's Compressor Station No. 2, known as the El Paso Station, located in El Paso County, Texas, a short distance south of the Town of Newman, involving the installation of one additional 1,000-horsepower

unit, together with the necessary structures and equipment for the housing and operation of the same. The estimated cost is \$153,500.

(l) An addition to Applicant's Compressor Station No. 3, known as the Deming Station, located near the Town of Deming in Luna County, New Mexico, involving the installation of one additional 1,000-horsepower unit, together with the necessary structures and equipment for the housing and operation of the same. The estimated cost is \$153,400.

(m) An addition to Applicant's Compressor Station No. 4, known as the Willcox Station, located near the Town of Willcox in Cochise County, Arizona, involving the installation of one additional 1,000-horsepower unit, together with the necessary structures and equipment for the housing and operation of the same. The estimated cost is \$153,400.

(n) An addition to Applicant's Compressor Station No. 5, known as the Tucson Station, located approximately 30 miles west of Tucson in Pima County, Arizona, involving the installation of one additional 1,000-horsepower unit, together with the necessary structures and equipment for the housing and operation of the same. The estimated cost is \$141,100.

The facilities described hereinbefore in paragraphs (c) and (d) are to be constructed in lieu of 14-inch and 12 $\frac{3}{4}$ -inch lines, respectively, previously proposed to be constructed at these locations and heretofore authorized at Docket No. G-655.

Applicant states that the estimated over-all capital cost, including overhead, engineering, inspection, insurance, construction equipment, undistributed costs, etc., is \$5,323,000.

It is proposed by Applicant that the greater part of the construction costs of the 46.624 miles of 16-inch pipe line and 13.29 miles of 14-inch pipe line will be financed out of funds heretofore provided for the smaller lines authorized at Docket No. G-655. The remainder of the costs of such lines and the costs of the other facilities hereinbefore described will be met out of the proceeds of a \$2,000,000 bank loan or out of general corporate funds.

Applicant further states that the purposes of the proposed facilities are to meet the urgent needs of supplying Tucson Gas, Electric Light and Power Company at Tucson, Arizona, and the Central Arizona Light and Power Company at Phoenix, Arizona, with natural gas.

The application states that the rates for the sale of the increased volumes of gas to be transported through the proposed facilities will be the same as those now filed (Rate Schedule FPC No. 4) for sales to Tucson Gas, Electric Light and Power Company and (Rate Schedule FPC No. 3) for sales to the Central Arizona Light and Power Company.

Applicant further states that its gas reserves to meet the proposed increased deliveries are those described in the exhibits attached to its application at Docket No. G-655 and by reference made a part of its application on file herein.

Any interested State commission is requested to notify the Federal Power Com-

mission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of El Paso Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8123; Filed, Sept. 2, 1947;
8:52 a. m.]

[Docket No. IT-0080]

IDAHO POWER CO.

NOTICE OF APPLICATION

AUGUST 26, 1947.

Notice is hereby given that on August 26, 1947, an application was filed pursuant to section 204 of the Federal Power Act by Idaho Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Idaho, and Nevada with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of 100,000 shares of Common Stock, par value \$20 per share, and 35,000 shares of Cumulative Preferred Stock, par value \$100 per share, to be sold through competitive bidding, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of September, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8130; Filed, Sept. 2, 1947;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-120, 53-34]

NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER RELEASING JURISDICTION OVER CERTAIN LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 26th day of August 1947.

The Commission by orders dated February 11, 1947, March 20, 1947 and April 1, 1947, having approved the Alternate Plan of Recapitalization of New England Gas and Electric Association under section 11 (e) of the Public Utility Holding Company Act of 1935 and permitted to become effective, pursuant to section 7 of the act, the declaration with respect to the issue and sale by New England of \$22,425,000 principal amount of 20-year Collateral Trust Sinking Fund Bonds, Series A, due 1967; 77,625 shares of Cumulative Convertible Preferred Shares, and a maximum of 1,850,000 common shares including rights for 479,235 common shares (Holding Company Act Release Nos. 7181, 7295 and 7321) and

The Commission having in said Orders reserved jurisdiction with respect to, among other things, the payment of all fees and expenses in connection with the proposed transactions; and

Palmer, Dodge, Chase & Davis, counsel for the Underwriters and for the Trustee under the Indenture of Trust securing the Series A Bonds having submitted information regarding the services rendered by it for which a fee of \$18,500 and reimbursement of expenses in the amount of \$8,046.93 are requested, \$11,000 of such fee relating to the bonds, \$4,500 relating to the preferred shares and common share rights, and \$3,000 for services rendered to the Indenture Trustee;

The Commission having considered the record and finding that said fees and expenses are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved in the Orders of February 11, 1947, March 20, 1947 and April 1, 1947 with respect to the payment of legal fees and expenses of Palmer, Dodge, Chase & Davis be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8126; Filed, Sept. 2, 1947;
8:46 a. m.]

[File No. 812-102]

INVESTORS SYNDICATE AND INVESTORS SYNDICATE OF AMERICA, INC.

NOTICE OF APPLICATION REQUESTING AMENDMENT OF AN ORDER

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 27th day of August A. D. 1947.

Notice is hereby given that Investors Syndicate and Investors Syndicate of America, Inc., registered under the Investment Company Act of 1940 as face amount certificate companies; have filed a joint application and amendment thereto requesting that the Commission issue an order amending certain terms and provisions of the Commission's order pursuant to sections 6 (c) and 17 (b) of said act, dated March 1, 1946, which exempted, subject to the provisions of said order, certain transactions, involving the sale and purchase of loans secured by mortgages and first liens on

real estate, between Investors Syndicate and Investors Syndicate of America, Inc. from the provisions of section 17 (a) (1) and (2) of said act.

The applicants seek the modification of paragraphs 3 and 6 of said order and request that said order, as amended, in all other respects remain in full force and effect.

The applicants request that paragraph 3 of said order be revised to provide, in substance, that no mortgage, mortgage loan, or first lien on real estate be acquired from Investors Syndicate by Investors Syndicate of America, Inc., if the unpaid balance thereof, or if a loan guaranteed in part under Title III of the Serviceman's Adjustment Act of 1944, the unpaid balance of the portion of the loan not so guaranteed, exceeds two-thirds of the appraisal value of the real estate as determined by current appraisal made not more than six months prior to the date of sale of any such loan to Investors Syndicate of America, Inc. The prohibition set forth above will not apply to any loan or mortgage (1) which is insured under the provisions of the National Housing Act, (2) for which a commitment, then in full force and effect, has been issued by a proper authority pursuant to the provisions of the National Housing Act that such mortgage will be insured by and under the terms of such act, or (3) which is a secondary loan, the full amount of which is guaranteed under section 505 (a) of Title III of the Serviceman's Adjustment Act of 1944 and which is secured by a second lien on real estate.

The applicants request modification of paragraph 6 of said order to provide that applicants shall jointly file with this Commission semi-annual statements as of June 30th and December 31st of each year, showing the transactions by and between them as principals which were completed during the preceding six months period, in such form, manner, and detail as the Commission shall from time to time require, and that such statement shall be filed with the Commission within sixty days from the end of the semi-annual period covered by the respective statement.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application and the Commission's order in this proceeding dated March 1, 1946 which are on file in the offices of the Commission in Philadelphia, Pennsylvania.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after September 5, 1947 unless, prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person, not later than September 4, 1947 at 5:30 p. m., may submit in writing to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or, may submit in writing to the Commission a request that a hearing be held thereon. Any such communication or request should be addressed:

Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8125; Filed, Sept. 2, 1947;
8:46 a. m.]

DEPARTMENT OF JUSTICE Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 60 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1946 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9674]

FRED HENRY BULTMAN

In re: Estate of Fred Henry Bultman, deceased. File D-28-11189; E. T. sec. 15585.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Sulewski, Adolph Bultman and Dorette Nagel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the sum of \$2,820.29 was paid to the Attorney General of the United States by Louise Dorn, Administratrix of the Estate of Fred Henry Bultman, deceased;

3. That the said sum of \$2,820.29 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said

property in the Attorney General of the United States by acceptance thereof on June 20, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8141; Filed, Sept. 2, 1947;
8:47 a. m.]

[Vesting Order 9690]

LYDIA SCHWEIGERT VS. FRED SCHWENK
ET AL.

In re: Lydia Schweigert, petitioner, vs. Fred Schwenk, et al., respondents. File D-28-9695; E. T. sec. 13504.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Helmling, Wilhelmina Helmling, Philip Ewald, Wilhelm Friedrich Ewald and Fritz Morlok, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the sum of \$13,168.89 was paid to the Alien Property Custodian by Walter G. Klick, A. E. Funk and O. C. Heinemeyer, Referees, in the matter of Lydia Schweigert, Petitioner, vs. Fred Schwenk, et al., Respondents;

3. That the said sum of \$13,168.89 is presently in the possession of the Attorney General of the United States and was property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country; the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 26,

1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-8140; Filed, Sept. 2, 1947;
8:47 a. m.]

[Vesting Order 9686]

EMILY NEUBERT

In re: Estate of Emily Neubert, deceased. File D-28-1728; E. T. sec. 833.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Langert, Antonia Langert, Horst Langert, Emma Fischer, Rudolph (Rudolf) Fischer, Gustav Fischer, Augusta (Auguste) Schmidt nee Gunder-

mann, Johanna Burghardt nee Gundermann, Burgomaster or Chief Civic Officer of the City of Coburg, Germany, Gertrud (Gertrude) Gundermann, Lisbeth Gundermann and Julie (Julia) Eberbach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That Hugo Fischer, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the estate of Emily Neubert, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by the Mercantile-Commerce Bank and Trust Company, Saint Louis, Missouri, Executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof

are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8103; Filed, Aug. 23, 1947;
8:48 a. m.]

